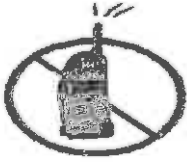




Planning Commission Agenda

Meeting of May 2, 2016
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950



The Planning Commission requests that all cellphones, pagers, and/or smart devices be turned off during the meeting.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Baca

Approval of Minutes

1. Approval of Minutes from the Meeting of April 18, 2016

Approval of Agenda

2. Approval of Agenda for the Meeting on May 2, 2016

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.

PRESENTATIONS

3. Presentation and Discussion of Land Use in areas of the General Plan, Abuse of Discretion and Substantial Evidence.

CONTINUED PUBLIC HEARINGS

PUBLIC HEARINGS

4. Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No: 2015-28 CUP)
5. Resolution 2016-08 taking action on a Conditional Use Permit for beer and wine sales at Gama Produce located at 1605 East 4th Street. (Case File No: 2015-28 CUP)
6. Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP)
7. Resolution 2016-09 taking action on a Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue. (Case File No.: 2016-06 CUP)
8. Conditional Use Permit for motor vehicle storage at 100 East 18th Street. (Case File No.: 2016-09 CUP)
9. Resolution 2016-10 taking action on a Conditional Use Permit for motor vehicle storage at 100 East 18th Street. (Case File No.: 2016-09 CUP)

OTHER BUSINESS

10. Overview of Planning Commission functions related to street trees.

STAFF REPORTS

Senior Assistant City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on May 16, 2016.



Planning Commission Minutes

Meeting of April 18, 2016

Planning Commission Meeting
City Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

The meeting was called to order by Chair Baca at 6:01 p.m.

Roll Call

Commissioners Present: Baca, Bush, Garcia, Yamane, Flores, Sendt, Dela Paz

Staff Also Present: Nicole Pedone, Senior Assistant City Attorney; Raymond Pe, Principal Planner; Brad Raulston, Executive Director; Stephen Manganiello, Director of Public Works/City Engineer

Pledge of Allegiance Presented by Commissioner Yamane

1. Approval of Minutes for the Meeting on March 7, 2016.

Motion by Yamane, 2nd by Garcia to approve the Minutes for the meeting of March 7, 2016.

Motion carried by the following vote:

Ayes: Garcia, Yamane, Baca, Bush

Absent: Flores and Dela Paz

Abstain: Sendt

Note: Yamane and Dela Paz arrived and took their seats on the dais

2. Approval of the Agenda for the Meeting on April 18, 2016.

Motion by Flores, 2nd by Yamane to approve the Agenda for the Meeting on April 18, 2016.

Motion carried by the following vote:

Ayes: Garcia, Yamane, Baca, Bush, Sendt, Flores,

Abstain: Dela Paz

ORAL COMMUNICATION: None

PRESENTATIONS: None

CONTINUED PUBLIC HEARINGS

3. Conditional Use Permit for a Wireless Communications Facility at Sweetwater High School located at 2900 Highland Avenue (Case File No.: 2015-17 CUP).

Note: At 6:04 Commissioner Yamane recused herself and left the chambers.

Report by Principal Planner Raymond Pe. Applicant requests to continue the Public Hearing to off calendar.

Motion Dela Paz, 2nd Flores to continue the Public Hearing off calendar for a Wireless Communications Facility at Sweetwater High School located at 2900 Highland Avenue (Case File No.: 2015-17 CUP)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Sendt, Flores, Dela Paz

Abstain: Yamane

Note: At 6:06 Commissioner Yamane returned to her seat on the dais.

OTHER BUSINESS

4. Resolution 2016-07 denying a Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue with an exception for less than required lot frontage. (Case File No.: 2015-20 LS)

Motion by Garcia, 2nd by Flores to approve the resolution denying a Tentative Parcel Map for the subdivision of one lot into two at 2739 "C" Avenue with an exception for less than required lot frontage. (Case File No.: 2015-20 LS)

Motion carried by the following vote:

Ayes: Garcia, Yamane, Baca, Flores

Noes: Bush
Abstain: Dela Paz, Sendt

5. Fiscal Year 2016-2017 Capital Improvement Program General Plan Consistency (Case File No.: 2016 CIP)

Presented by Director of Engineering Stephen Manganiello

Motion by Yamane, 2nd by Bush to determine the Fiscal Year 2016-2017 Capital Improvement Plan to be consistent with the General Plan (Case No.: 2016 CIP).

Motion carried by the following vote:

Ayes: Garcia, Yamane, Baca, Flores, Bush, Sendt, Dela Paz

STAFF REPORTS

Senior Assistant City Attorney: Welcome back to Commissioner Dela Paz. Presentation on general land use and a brief overview of the specifics for determine findings of approvals and finding of denials will be made at next Planning Commission meeting.

Executive Director: Welcome Dela Paz and Mr. Sendt. There will be several items presented to the City Council April 21 and the commissioners are invited to listen in via live webcast.

Former Commissioner Al Alvarado will receive an honor and presented with a Proclamation.

Brad will be giving a report on the Port meeting from last Thursday on the Preferred Alternative to the Balanced Land Use Study.

Council giving direction to staff on moving forward with Amortization.

Budget Workshop hearing is on April 26th. This meeting may be moved up to 5:00.

The next Budget Workshop will be on the 4th Tuesday in May.

COMMISSIONER REPORTS:

Bush: Thanks City Council, Mayor, Mr. Raulston and Staff on the Land Use Study.

Welcome to Commissioner Sendt. Clarified his request for a workshop to be a general discussion and review of the General Plan policy, land use element, and health and environment justice element as they relate to the General Plans goals, policies, and objectives.

The Rotary Club is hosting a fundraiser on Sunday, April 24, 2016 at the National City Depot. Looking into the potential to bring a STEM lab to the National City Depot.

Yamane: Welcome back to Commissioner Dela Paz and new Commissioner Sendt.

Dela Paz: Noted several areas of concern with traffic back up and potential hazards along Plaza Boulevard. Concerns addressed by Stephen Manganiello, Director of Engineering. Will take them to the Traffic Safety Committee to address issues. He noted that a street widening project will take place over the next few months in the area of the 805/Plaza Blvd on/exit ramps which will ease the traffic.

Flores: Welcome back Commissioner Dela Paz and welcome Mr. Sendt.

Garcia: Welcome to Commissioner Dela Paz and Commissioner Sendt. Congratulated Chairman Baca on his selection to serve another term

Baca: Welcome to Commissioner Dela Paz and Commissioner Sendt

ADJOURNMENT by Chair Baca at 7:01 p.m. to next meeting scheduled for May 2, 2016 at 6:00 pm.

CHAIRPERSON



May 2, 2016

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR BEER AND WINE
SALES AT GAMA PRODUCE LOCATED AT 1605
EAST 4TH STREET.

Case File No.: 2015-28 CUP

Property Location: Northeast corner of Palm Avenue and East 4th Street

Assessor's Parcel No.: 554-050-19

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Susana Maza

Property owner: Stephen Reynolds

Zoning designation: Minor Mixed-Use Corridor (MXC-1)

Adjacent land use/zoning:

North: California Army National Guard Armory / I (Institutional)

East: California Army National Guard Armory / I (Institutional)

South: Residential & Commercial use across East 4th Street /
MXC-1

West: Vacant commercial building / MXC-1

Environmental review: Not a project per CEQA

Staff Recommendation: Approve based on attached findings and subject to
attached Conditions of Approval

BACKGROUND

Gama Produce has applied for a Conditional Use Permit (CUP) to sell beer and wine for off-site consumption. The market has been in operation since the year 2000. Hours of operation of the market are 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. A Type 20 (Off-Sale Beer and Wine) license is concurrently being processed with the California Department of Alcoholic Beverage Control (ABC).

Previous Action

This item was on the Planning Commission agenda of February 8, 2016. At that time a motion to approve the CUP ended in a three to three tie vote (one member was absent). In the case of a tie vote and in absence of a specific rule, no action is considered taken. In a quasi-judicial hearing and in the interest of due process, the applicant is entitled to a decision – a finding of approval or denial of the CUP. Therefore, the item has been re-noticed in order for the Planning Commission to hear the item anew. It is important to note that this is not a continued public hearing, but rather a completely new hearing.

At the previous hearing, two community members spoke in opposition of the application citing existing outlets and high crime in the area. In March, a petition against the project was submitted to staff. The petition has 130 signatures and is attached for your review.

Site Characteristics

The project location is Gama Produce, a neighborhood market at the northeast corner of East 4th Street and Palm Avenue in the Minor Mixed-Use Corridor (MXC-1) zone. The existing market is approximately 2,800 square feet in size and has a 13-space parking lot. The property is located south and west of the California Army National Guard Armory. Gama Produce has been in business at this location since 2000.

Proposed Use

The applicant is requesting to sell beer and wine for off-site consumption between the current operating hours of 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. Beer and wine would be stored in a cooler located in the rear of the store.

Analysis

Section 18.30.050 of the National City Land Use Code allows for off-site alcohol sales with an approved Conditional Use Permit (CUP). Additional requirements for alcohol CUP's include expanded notification, a community meeting, and distance requirements.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications, as was done in this case. 356 people were notified by mail of this public hearing.

Community Meeting – Pursuant to Section 18.30.050 (C), a community meeting was held Wednesday, January 4, 2016 at 5:00 p.m. at the National City Chamber of Commerce. The applicant has stated that four people were in attendance. A copy of the advertisement, sign-in sheet, and minutes are attached.

Distance Requirements – Chapter 18.030.050 (D) requires that businesses that sell alcohol as a principal use maintain a 660-foot distance from schools. However, sales of alcohol in this case would be accessory to a market, and would thus not be subject to this requirement. The nearest school is El Toyon Elementary School, which is located over 800 feet away and is east of Interstate 805.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Minor Mixed-Use Corridor zone pursuant to a Conditional Use Permit, and the proposed alcohol sales meet the required guidelines in the Land Use Code for alcohol sales, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

No expansion of the building is proposed. The proposal involves an existing market, which was already analyzed for traffic impacts when it was constructed. In addition, because the sale of alcohol would be accessory to the sale of other products, no measurable increase in traffic is expected. Access to and from the site is provided by Palm Avenue and East 4th Street, both collector streets. Palm Avenue north of 4th currently operates at a Level of Service (LOS) of F, while the street south of 4th has a

LOS of E. East 4th Street in this location is operating at a LOS of D. Both streets are operating at or above capacity, hence the poor levels of service. However, the sale of alcohol is not expected to result in an increase in Average Daily Trips (ADT) such that the LOS would be affected, particularly as the area devoted to alcohol sales is minimal.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The proposed use would be accessory to the existing market use, which is located in an existing commercial area. The addition of alcohol sales is not expected to increase the demand for parking on the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

7. That the proposed use is deemed essential and desirable to the public convenience or necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone.

In this case the alcohol sales will contribute to the viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.

There are also three findings for denial based on the high crime designation and amount of existing off-sale outlets, as discussed in the "Alcohol Sales Concentration/Location" section below.

Department and Agency Comments

Alcohol Sales Concentration/Location – Per ABC, there are currently four off-sale permits issued in the subject census tract (220). These permits are:

Name	Address	License Type*	CUP
Kings Liquor	1626 East 8 th Street	21	-
7-Eleven	1601 East 18 th Street	20	-
Carnival Supermarket	1750 East 8 th Street	21	-
National City Shell	1601 East 8 th Street	20	Y

* Type 20 – Off-Sale Beer and Wine
Type 21 - Off-Sale General

Of the four licenses, three are markets/liquor stores and one a gas station. The subject use is consistent with other off-sale businesses, all of which are consistent with the Mixed-Use zones.

Census tract 220 includes the area of between Palm Avenue and Interstate 805, and between Division Street and East 18th Street. The attached census tract map shows the location of the subject tract. ABC recommends a total of two off-sale alcohol permits be issued in this census tract, where four exist.

Police Department

Crime statistics provided by the Police Department (PD) indicate that the reporting area (Beat 21) had a current (January to August 2015) crime rate of 413.8%, above the 120% considered to be a high crime area. Crimes are categorized as either Part I or Part II crimes. Part I crimes are serious crimes such as homicide, robbery, assault, burglary, vehicle theft, etc. Part II crimes are less serious in nature and less commonly reported. Part II crimes include simple assault, embezzlement, narcotics, and weapons charges (among others). There is generally no specific crime reporting for alcohol-related occurrences. Alcohol is typically just referenced as a contributing factor to a particular crime (robbery, assault, etc.).

Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, Gama Produce received 15 points, which would indicate a medium risk. The Risk Assessment is attached.

Institute for Public Strategies (IPS)

IPS encouraged that staff and management attend Responsible Beverage Sales and Service training. The training is included as a Condition of Approval.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions specific to off-sale alcohol sales per Council policy 707 (container size, no single sales, signage, RBSS training, etc.).

Summary

The proposed use is consistent with the General Plan, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone. The proposed use would be accessory to the existing market use in an existing commercial area, which is not expected to increase the demand for parking or other services on the property. Gama Produce has been in business at this location since 2000. Furthermore, the addition of alcohol sales is not expected to have any significant effects on the area. Although the census tract in which the market is located is over-concentrated with regard to off-sale alcohol licenses, the subject location is a produce market where alcohol will be small portion of overall sales.

OPTIONS

1. Approve 2015-28 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2015-28 CUP based on attached findings/findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015)
6. Community meeting advertisement, sign-in sheet, and minutes
7. Police Department and Institute for Public Strategies comments
8. Census Tract Map and Police Beat Map
9. Public Hearing Notice (Sent to 258 property owners and occupants)
10. Public correspondence



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2015-28 CUP, 1605 East 4th Street

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the proposed use would be accessory to an existing market use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on East 4th Street or Palm Avenue based on the current capacity and traffic numbers.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing market use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other businesses in the same census tract; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no

other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.

7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL

2015-28 CUP, 1605 East 4th Street

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – four off-sale outlets are permitted where two are recommended by the California Department of Alcoholic Beverage Control. – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because four other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2015-28 CUP, 1605 East 4th Street

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine at an existing market located at 1605 East 4th Street. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

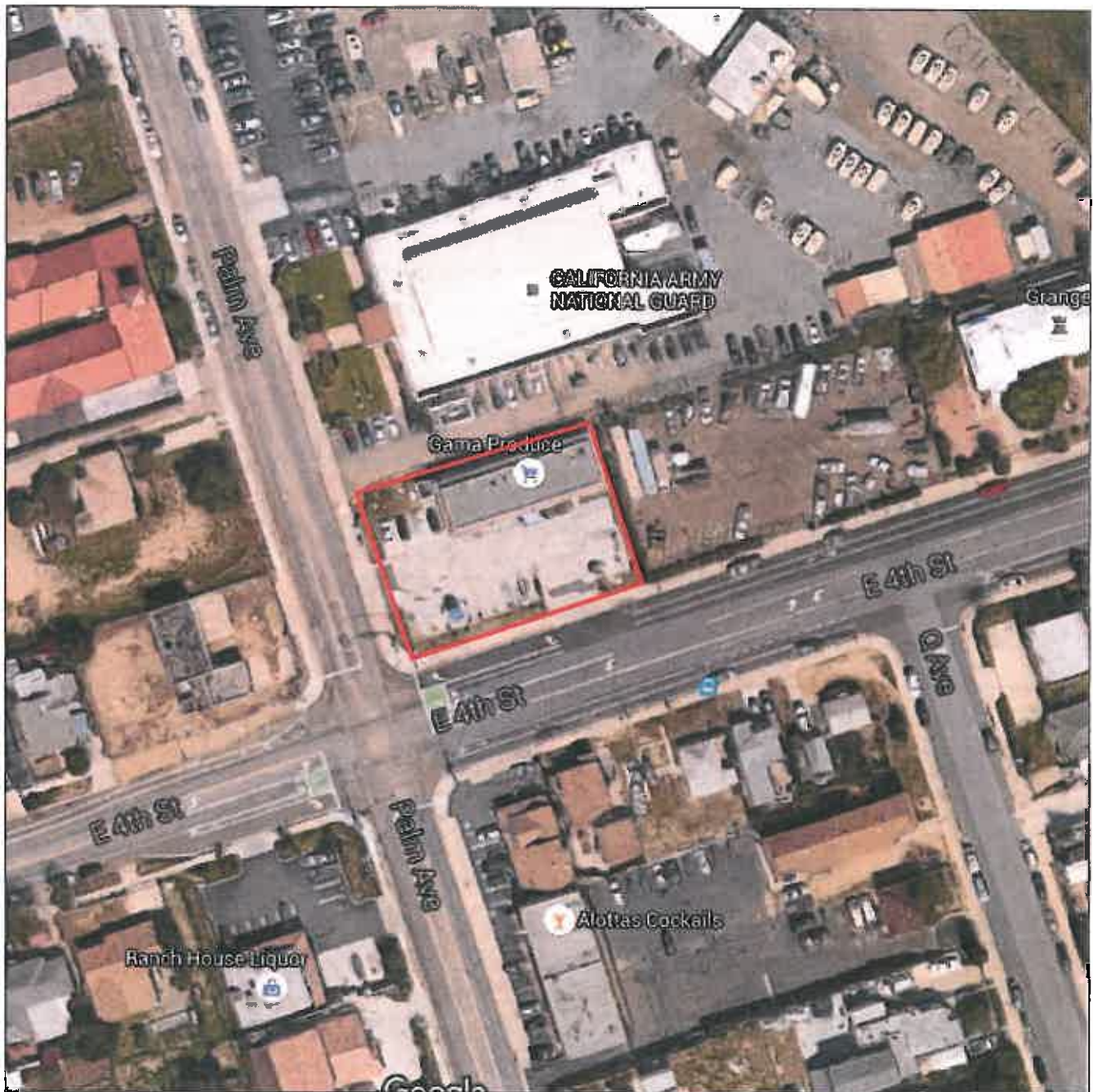
6. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
7. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
8. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.

9. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
10. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
11. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
12. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
13. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
14. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
15. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

Police

17. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

2015-28 CUP – Gama Produce (beer and wine) – Overhead



2015-28 CUP – Gama Produce (beer and wine) – Site Photos



Interior of market from entrance



Cooler where alcohol will be displayed



GAMA PRODUCE

619-477-2374

Dear community member,

Gama Produce has recently applied for a beer and wine sales license in National City. It's my hope to serve the community even more as the best priced, fresh produce and every day item store in National City with this addition. The community is very important to me and I want to hear what you have to say as well as answer questions or concerns. To do this, we will hold a community meeting to discuss our C.U.P. License to sell beer and wine in the store.

The community meeting will take place at:

901 National City Blvd.,

National City, CA 92950

On

Jan 4th, 2016 from 5:00pm to 8:00pm PST.

I will personally be on hand to address any issues or concerns as well as answer any questions regarding the additional license to sell beer and wine at the store. We hope you can attend and meet with us. If you have any questions or issues please visit our website at www.GamaProduce.vpweb.com or contact Susana at GamaProduce@outlook.com

Sincerely,

Susana Maza

Owner

Gama Produce Community Meeting minutes

January 4, 2016

Begin: 5:00 p.m.

Welcome and thanks for coming to the meeting.

Description of request and operation.

Questions about products sold and hours of operations.

End: 5:35 p.m.



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 12/03/15

BUSINESS NAME: Gama Produce

ADDRESS: 1606 East 4th Street, National City, CA 91950

OWNER NAME: Carlos & Susana Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

(add additional owners on page 2)

I. Type of Business

- ☐ Restaurant (1 pt)
☒ Market (2 pts)
☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
☒ Close by 10pm (2 pts)
☐ Close after 10pm (3 pts)

III. Entertainment

- ☐ Music (1 pt)
☐ Live Music (2 pts)
☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
☐ Medium (2 pts)
☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

Notes:

Crime Rate - over 120% (413.8%)

Census Tract - 220

Allowed Type 20 - (Off-sale, Beer & Wine)

Currently allowed On-sale - 5 / Currently have - 3

Currently allowed Off-sale - 2 / Currently have - 4

Over saturation

VI. Calls for Service at Location (for previous 6 months)

- ☐ Below (1 pt)
☒ Average (2 pts)
☐ Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ☐ Mostly commercial businesses (1 pt)
☐ Some businesses, some residential (2 pts)
☒ Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 15

VIII. Owner(s) records check

- ☒ No criminal incidents (0 pts)
☐ Minor criminal incidents (2 pts)
☐ Multiple/Major criminal incidents (3 pts)

OWNER NAME: Carlos Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

OWNER NAME: Susana Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.
- Within 100' of residences, El Toyon school and park near-by.
- (5) on-sale and (2) Off-sale licenses are allowed in the census tract
- Census tract 220 currently has (3) On-sale and (4) Off-Sale.
- Over saturation by double for Off-Sale establishments.
- ABC states - Area is considered "High Crime Rate," The census tract is "Over Concentrated."
- Crime Rate for Beat 21 - 413.8%, nearly 4 times the rate of a "High Crime Rate" defined by ABC

Completed by: Graham Young, Lt. Badge ID: 365



**California Department of Alcoholic Beverage Control
For the County of SAN DIEGO - (Retail Licenses)
and Census Tract = 220**

Report as of 10/25/2015

License Number	Status	License Type	Orig. Iss. Date	Explr Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) 264361	ACTIVE	48	9/20/1991	1/31/2016	BUD MOHLER INC 419 PALM AVE NATIONAL CITY, CA 91950 Census Tract: 0220.00	ALOTTAS	3515 VALLEY VISTA RD BONITA, CA 91902	3708
2) 350706	ACTIVE	21	3/12/1999	5/31/2016	SHOSHANI, GEORGE HANNA 1626 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00	KINGS LIQUOR		3708
3) 398986	ACTIVE	20	5/28/2003	6/30/2016	7 ELEVEN INC 1601 E 18TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00	7 ELEVEN 2131 17265	PO BOX 219088, ATT: 7 ELEVEN LICENSING DALLAS, TX 75221-9088	3708
4) 408542	ACTIVE	21	3/25/2004	12/31/2015	CARNIVAL SUPERMARKET INC 1750 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00	CARNIVAL SUPERMARKET		3708
5) 459110	ACTIVE	41	11/20/2007	10/31/2015	FHOP INC 1900 E PLAZA BLVD NATIONAL CITY, CA 91950-3703 Census Tract: 0220.00	FAMILY HOUSE OF PANCAKES		3708
6) 506904	ACTIVE	41	7/25/2011 2:49:59 PM	6/30/2016	LI, SHIHUI 1819 E PLAZA BLVD NATIONAL CITY, CA 91950-3701 Census Tract: 0220.00	BISTRO CITY		3708
7) 540773	ACTIVE	20	4/10/2014 1:32:10 PM	3/31/2016	VINTNERS DISTRIBUTORS INC 1601 E 8TH ST NATIONAL CITY, CA 91950 Census Tract: 0220.00	NATIONAL CITY SHELL	41805 ALBRAE ST, 2ND FL FREMONT, CA 94538-3120	3708

alone - 3

OFF-SM2 - A

--- End of Report ---

For a definition of codes, view our [glossary](#).

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
NUMBER OF LICENSES AUTHORIZED
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SAN DIEGO	3,227,496	790	1,564	203.06	8,694	11	5
SAN DIEGO	3,227,496	790	1,564	203.07	7,170	9	4
SAN DIEGO	3,227,496	790	1,564	203.08	5,743	7	3
SAN DIEGO	3,227,496	790	1,564	203.09	3,945	4	2
SAN DIEGO	3,227,496	790	1,564	204.01	2,369	2	1
SAN DIEGO	3,227,496	790	1,564	204.03	4,107	5	2
SAN DIEGO	3,227,496	790	1,564	204.04	5,070	6	3
SAN DIEGO	3,227,496	790	1,564	204.05	3,412	4	2
SAN DIEGO	3,227,496	790	1,564	205.00	5,196	6	3
SAN DIEGO	3,227,496	790	1,564	206.01	5,560	7	3
SAN DIEGO	3,227,496	790	1,564	206.02	5,859	7	3
SAN DIEGO	3,227,496	790	1,564	207.05	4,635	5	2
SAN DIEGO	3,227,496	790	1,564	207.06	6,286	7	4
SAN DIEGO	3,227,496	790	1,564	207.07	4,734	5	3
SAN DIEGO	3,227,496	790	1,564	207.08	3,437	4	2
SAN DIEGO	3,227,496	790	1,564	207.09	8,007	10	5
SAN DIEGO	3,227,496	790	1,564	207.10	1,749	2	1
SAN DIEGO	3,227,496	790	1,564	208.01	5,230	6	3
SAN DIEGO	3,227,496	790	1,564	208.05	3,501	4	2
SAN DIEGO	3,227,496	790	1,564	208.06	5,846	7	3
SAN DIEGO	3,227,496	790	1,564	208.07	2,599	3	1
SAN DIEGO	3,227,496	790	1,564	208.09	6,778	8	4
SAN DIEGO	3,227,496	790	1,564	208.10	5,266	6	3
SAN DIEGO	3,227,496	790	1,564	208.11	5,650	7	3
SAN DIEGO	3,227,496	790	1,564	209.02	2,122	2	1
SAN DIEGO	3,227,496	790	1,564	209.03	3,192	4	2
SAN DIEGO	3,227,496	790	1,564	209.04	3,075	3	1
SAN DIEGO	3,227,496	790	1,564	210.00	4,440	5	2
SAN DIEGO	3,227,496	790	1,564	211.00	7,589	9	4
SAN DIEGO	3,227,496	790	1,564	212.02	3,156	3	2
SAN DIEGO	3,227,496	790	1,564	212.04	5,239	6	3
SAN DIEGO	3,227,496	790	1,564	212.05	6,801	8	4
SAN DIEGO	3,227,496	790	1,564	212.06	2,995	3	1
SAN DIEGO	3,227,496	790	1,564	213.02	7,361	9	4
SAN DIEGO	3,227,496	790	1,564	213.03	8,981	11	5
SAN DIEGO	3,227,496	790	1,564	213.04	2,616	3	1
SAN DIEGO	3,227,496	790	1,564	214.00	7,225	9	4
SAN DIEGO	3,227,496	790	1,564	215.00	8,846	11	5
SAN DIEGO	3,227,496	790	1,564	216.00	3,391	4	2
SAN DIEGO	3,227,496	790	1,564	218.00	2,822	2	1
SAN DIEGO	3,227,496	790	1,564	219.00	6,816	8	4
SAN DIEGO	3,227,496	790	1,564	220.00	4,186	5	2
SAN DIEGO	3,227,496	790	1,564	221.00	7,082	14	5
SAN DIEGO	3,227,496	790	1,564	9901.00	0	0	0
SAN FRANCISCO	845,602	275	1,060	101.00	3,739	13	8
SAN FRANCISCO	845,602	275	1,060	102.00	4,143	15	9
SAN FRANCISCO	845,602	275	1,060	103.00	3,852	14	8
SAN FRANCISCO	845,602	275	1,060	104.00	4,545	16	9
SAN FRANCISCO	845,602	275	1,060	105.00	2,685	9	5
SAN FRANCISCO	845,602	275	1,060	106.00	3,894	14	8
SAN FRANCISCO	845,602	275	1,060	107.00	5,592	20	12
SAN FRANCISCO	845,602	275	1,060	108.00	4,578	16	9



ABC Report 2015 ABC Report by Beats

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat

Prior Report Number: B98S328R

Total Part 1 Crime and Part 2 Arrest for Agency: 3,238

Total Beat: 14

Average Total per Beat: 231.3

(120% or above is High Crime Area indicated by *)

	Beat	Totals	% Average by Beat
1	011	0	0.0%
2	014	0	0.0%
3	020	969	419.0%*
4	021	957	413.8%*
5	023	763	329.9%*
6	024	545	235.6%*
7	434	0	0.0%
8	441	0	0.0%
9	514	0	0.0%
10	521	0	0.0%
11	722	0	0.0%
12	999	4	1.7%



ABC Report
2015 ABC Report by Beats

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	14
ROBBERY	112
AGGRAVATED ASSAULT	165
BURGLARY	132
LARCENY	720
MOTOR VEHICLE THEFT	211
Total Part I Crime:	1,354

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	44
OTHER PART II CRIMES	1,202
CHILD AND FAMILY	38
DEADLY WEAPONS	24
EMBEZZLEMENT	8
FRAUD	26
GAMBLING	0
MALICIOUS MISCHIEF	14
NARCOTICS	342
SEX CRIMES	17
FORGERY	3
OTHER NON-CRIMINAL	166
Total Part II Arrest:	1,884

Total = Part I Crime + Part II Arrest for Agency:	3,238
Total Agency:	1
(120% is considered high crime area)	
Average Total Per Agency:	3,238



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 020

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	6
ROBBERY	34
AGGRAVATED ASSAULT	31
BURGLARY	22
LARCENY	235
MOTOR VEHICLE THEFT	44
Total Part I Crime:	372

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	12
OTHER PART II CRIMES	336
CHILD AND FAMILY	9
DEADLY WEAPONS	10
EMBEZZLEMENT	3
FRAUD	10
GAMBLING	0
MALICIOUS MISCHIEF	4
NARCOTICS	138
SEX CRIMES	8
FORGERY	1
OTHER NON-CRIMINAL	66
Total Part II Arrest:	597

Beat Total = Part I Crime + Part II Arrest: 969

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 419.0%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 021

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	3
ROBBERY	33
AGGRAVATED ASSAULT	57
BURGLARY	53
LARCENY	169
MOTOR VEHICLE THEFT	66
Total Part I Crime:	381

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	16
OTHER PART II CRIMES	384
CHILD AND FAMILY	15
DEADLY WEAPONS	5
EMBEZZLEMENT	0
FRAUD	11
GAMBLING	0
MALICIOUS MISCHIEF	4
NARCOTICS	94
SEX CRIMES	7
FORGERY	0
OTHER NON-CRIMINAL	40
Total Part II Arrest:	576

Beat Total = Part I Crime + Part II Arrest: 957

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 413.8%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015
Agency: NATIONAL CITY

Optional Parameters

Geographical Area:
Group by: Beat 023

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	3
ROBBERY	35
AGGRAVATED ASSAULT	41
BURGLARY	39
LARCENY	255
MOTOR VEHICLE THEFT	52
Total Part I Crime:	425

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	10
OTHER PART II CRIMES	211
CHILD AND FAMILY	6
DEADLY WEAPONS	4
EMBEZZLEMENT	1
FRAUD	1
GAMBLING	0
MALICIOUS MISCHIEF	2
NARCOTICS	66
SEX CRIMES	1
FORGERY	0
OTHER NON-CRIMINAL	36
Total Part II Arrest:	338

Beat Total = Part I Crime + Part II Arrest: 763
BeatAve. (Agency / Beat): 231.3
Agency Wide Total = Part 1 Crime + Part II Arrest: 3,238
Beat Total as % of Beat Average: : 329.9%
(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 024

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	2
ROBBERY	10
AGGRAVATED ASSAULT	36
BURGLARY	18
LARCENY	61
MOTOR VEHICLE THEFT	49
Total Part I Crime:	176

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	6
OTHER PART II CRIMES	268
CHILD AND FAMILY	7
DEADLY WEAPONS	5
EMBEZZLEMENT	4
FRAUD	4
GAMBLING	0
MALICIOUS MISCHIEF	4
NARCOTICS	44
SEX CRIMES	1
FORGERY	2
OTHER NON-CRIMINAL	24
Total Part II Arrest:	369

Beat Total = Part I Crime + Part II Arrest: 545

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 235.6%

(120% is considered high crime area)



**ABC Report
2015 ABC Report by Beats**

Required Parameters

Reporting Period: 01/2015 to 09/2015

Agency: NATIONAL CITY

Optional Parameters

Geographical Area:

Group by: Beat 441

Prior Report Number: B98S328R

CRIME TYPES	CRIME TOTALS
CRIMINAL HOMICIDE	0
FORCIBLE RAPE	0
ROBBERY	0
AGGRAVATED ASSAULT	0
BURGLARY	0
LARCENY	0
MOTOR VEHICLE THEFT	0
Total Part I Crime:	0

ARREST TYPES	ARREST TOTALS
SIMPLE ASSAULT	0
OTHER PART II CRIMES	0
CHILD AND FAMILY	0
DEADLY WEAPONS	0
EMBEZZLEMENT	0
FRAUD	0
GAMBLING	0
MALICIOUS MISCHIEF	0
NARCOTICS	0
SEX CRIMES	0
FORGERY	0
OTHER NON-CRIMINAL	0
Total Part II Arrest:	0

Beat Total = Part I Crime + Part II Arrest: 0

BeatAve. (Agency / Beat): 231.3

Agency Wide Total = Part I Crime + Part II Arrest: 3,238

Beat Total as % of Beat Average: : 0.0%

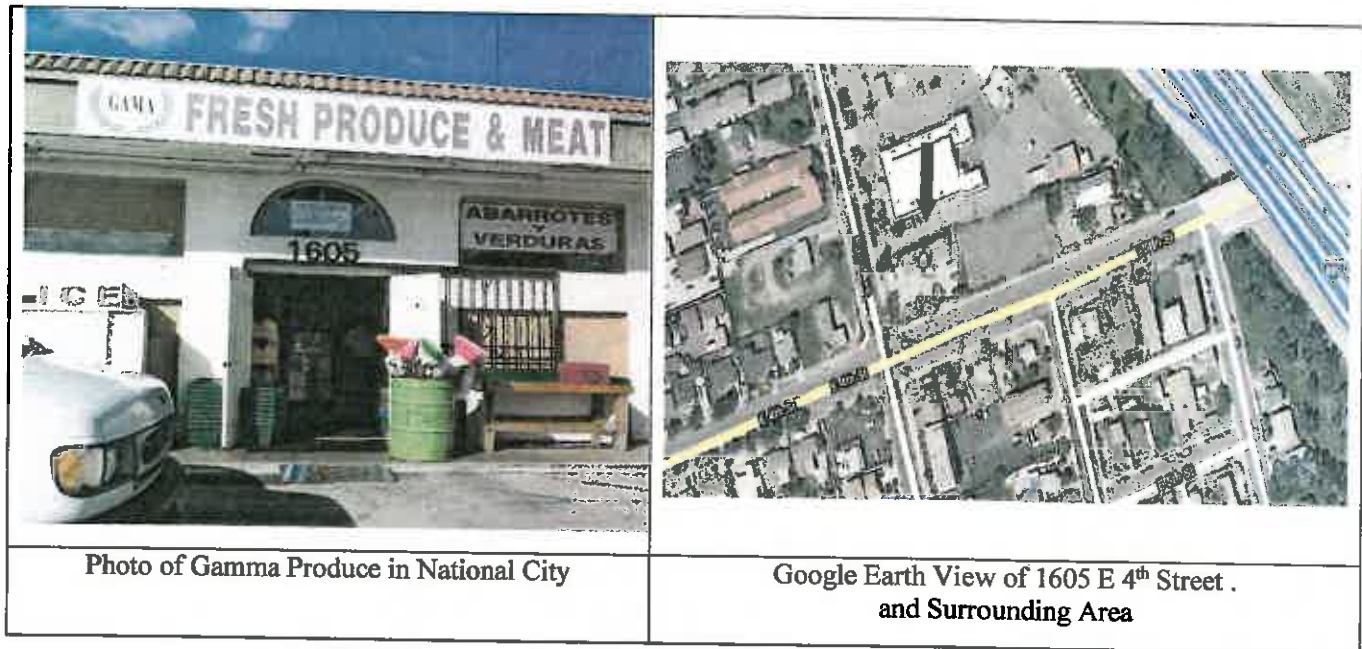
(120% is considered high crime area)

Environmental Scan For Alcohol License C.U.P.

Gamma Produce

1605 East 4th Street, National City, CA 91950

November 25, 2015



This environmental scan is for an amendment on the existing Conditional Use Permit for the Gamma Produce market, located at 1605 East 4th Street in National City. The applicant is applying for a Conditional Use Permit for sales of Beer and Wine. The business is located at the intersection of Palm Avenue and East 4th Street in National City. Currently there are six (6) active licenses issued for the Census Tract is 0118.02. This number exceeds the census track allocation of 1. An environmental scan was conducted on Wednesday, November 25, 2015.

The business is the Gamma Produce, a market with sales of groceries, fruit, vegetables and meat. During a scan of the business and property the following was noted:

The business is a small business located alone on the property. There are single-family residences, multi-unit housing and one church in the immediate area.

Funded by the San Diego County Health and Human Services Agency
2615 Camino del Rio So. #300 • San Diego, California, 92108 • Phone: 619.476-9100 • Fax: 619.476-9104

www.publicstrategies.org

Youth Sensitive Areas

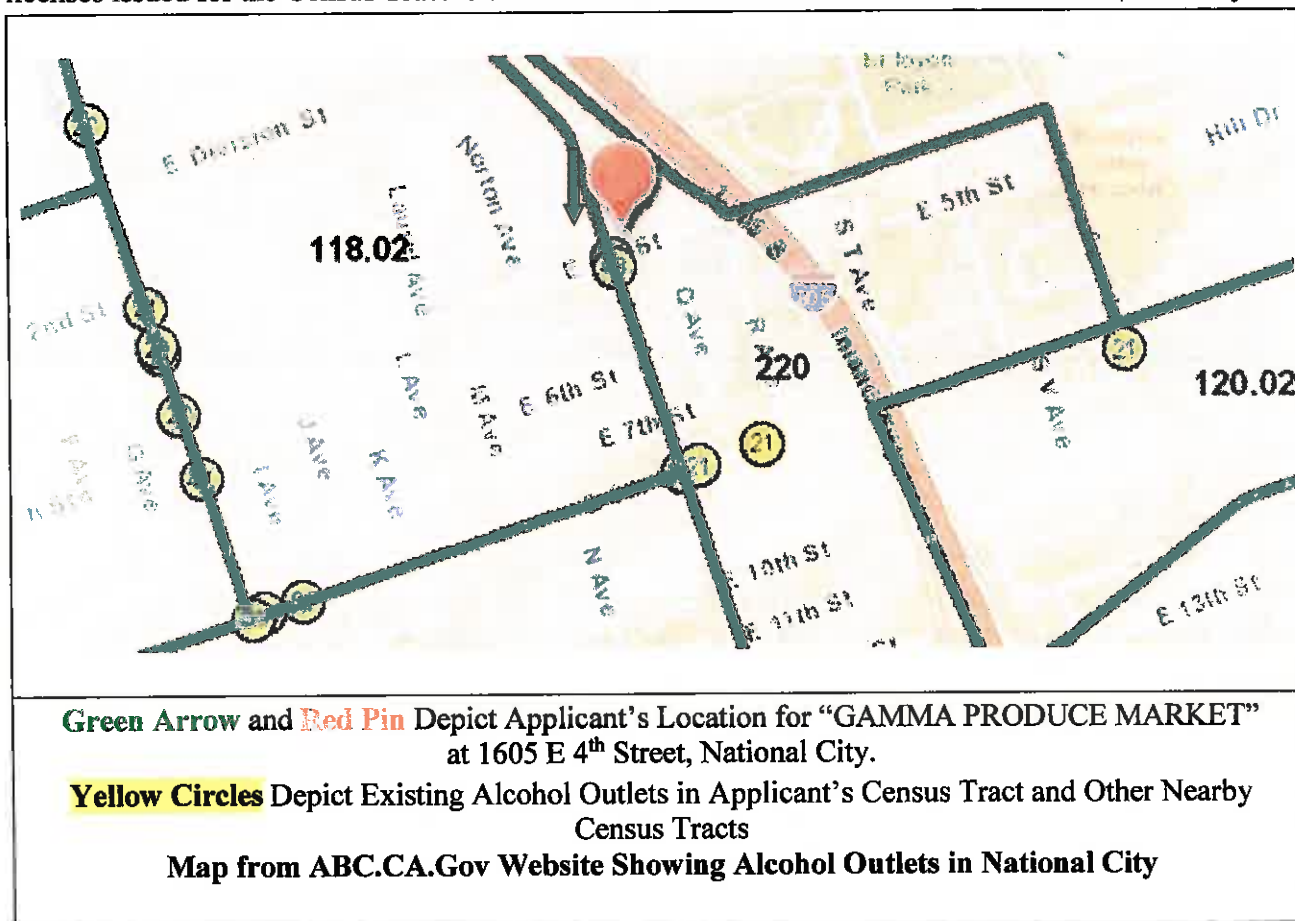
The business is not located near any youth sensitive areas.

Churches

The business is located across from a Christian Church at the West side of Palm Avenue and East 4th Street in National City.

Outlet Density

According to the ABC, seven (7) on-site licenses are authorized for Census Tract 0118.02, the census track within the area of which the Gamma Produce is located. Currently there are five (5) off-sale licenses issued for the Census Tract is 0118.02. This number exceeds the census track allocation by 1.



Census Tracts

	Off-Sale	On-Sale
Tract 220 <i>Establishment is within this tract</i>	Allowed: 2 Actual: 4 Number Above/Below Allowable: +2	Allowed: 5 Actual: 3 Above/Below: -2
Neighboring Census Tracts		
Census Tract 0118.01	Allowed: 2 Actual: 2 Number Above/Below Allowable: -	Allowed: 4 Actual: 4 Above/Below: -
Tract 118.02	Allowed: 4 Actual: 5 Number Above/Below Allowable: +1	Allowed: 7 Actual: 7 Above/Below: -

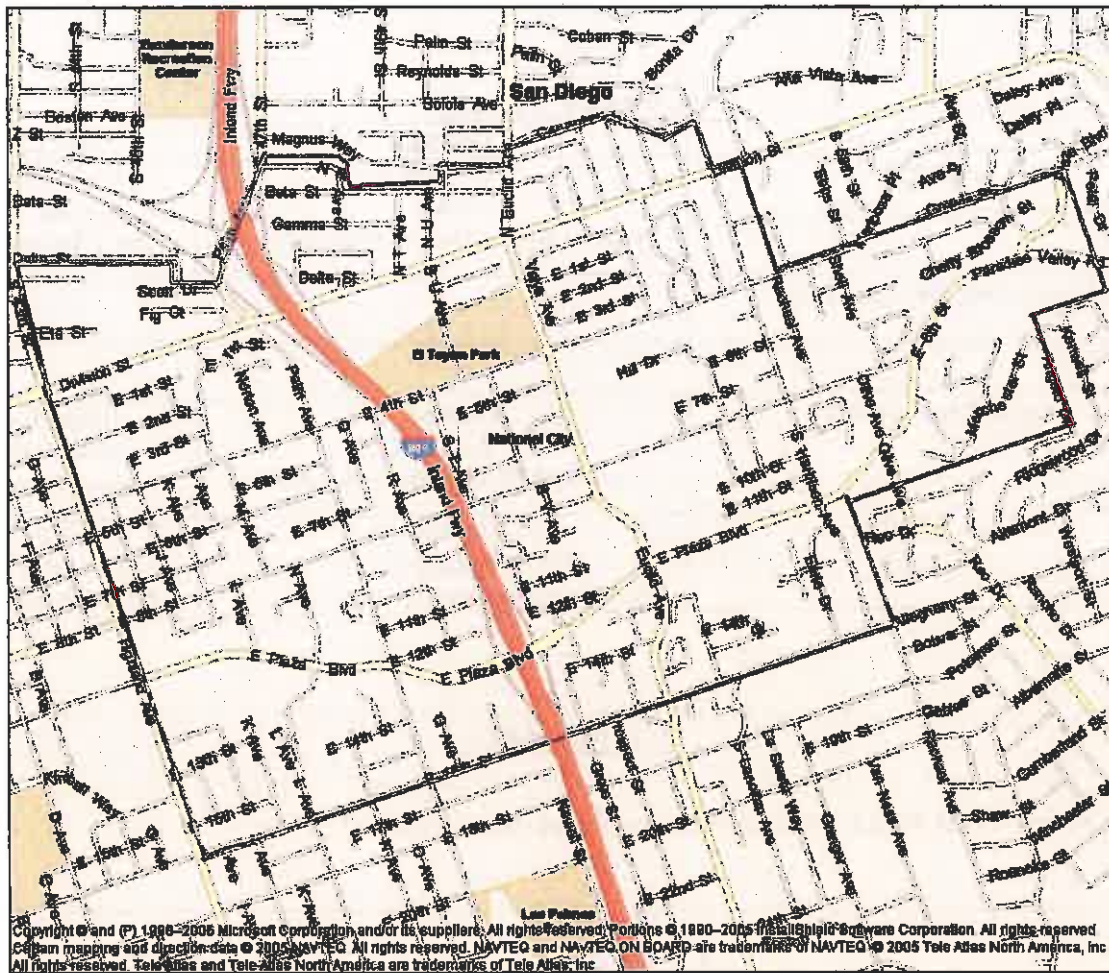
Crime Rate

Refer to National City Police Departments report for crime statistics.

Considerations

South Bay Community Change staff spoke to the owner, Mrs. Susan Maza on November 25, 2015. She let us know that the hours of the alcohol sales would coincide with the store hours Monday-Friday 7:30 a.m. to 8:00 p.m. and weekends 7:30 a.m. to 7:00 p.m. She has had her business there for the past 16 years wants only to provide the beer and wine for her direct customers.

We would recommend that the current conditions continue and insure that the staff, management, and owner attend the Responsible Beverage Sales and Service training.



City of National City Beat 21

Source: Microsoft MapPoint
NCPD CAU, 4/18/07



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR BEER AND WINE SALES AT GAMA PRODUCE
LOCATED AT 1605 EAST 4TH STREET.
CASE FILE NO.: 2015-28 CUP
APN: 554-050-19

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, May 2, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Susana Maza)

The applicant is requesting to sell beer and wine for off-site consumption between the current operating hours of 7:30 a.m. to 8:00 p.m. Monday to Friday, and 7:30 a.m. to 7:00 p.m. on the weekends. Beer and wine would be stored in a cooler located in the rear of the store.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **May 2, 2016** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

**IN THE MATTER OF THE APPLICATION FOR A CONDITIONAL USE
PERMIT FOR 1605 E. 14TH STREET, NATIONAL CITY, CA 91950**

Dear City of National City:

Please accept this letter as my opposition of a Conditional Use Permit for 1605 E. 14th Street,
National City, CA 91950.

**REASONS FOR DENYING THE APPLICATION OF A CONDITIONAL USE PERMIT AT
1605 E. 14th STREET, NATIONAL CITY, CA 91950**

- 1. Whether the issuance involves an existing business with a license which is being transferred to a new location and which will not result in an increase in the total number of off sale retail liquor licenses or on sale retail liquor licenses in the census tract in which the business would be located?**

Applicant is looking to add a Type 20 license to a Census Tract that is already over-concentrated with off-premise alcohol related licenses. However, in order to add this license to the census tract, Applicant must receive a Conditional Use Permit (CUP). There are 2 licenses allowed and currently the census tract is over-saturated with 4 existing. Allowing a CUP at this location would increase the already over-saturation rate to 5. This Census Tract does not need yet another off-sale alcohol license.

- 2. Whether the business, by reason of its location, character, manner, method of operation, merchandise, or potential clientele, will serve a segment of the City's business or residents not presently being served?**

No. Currently there is a liquor store directly across the street. However, this liquor store does not appear in the staff reports or recommendations due to the fact that it is located in the adjoining census tract. In addition, although the proposed location is described as a market that sells produce and meat, it in fact is a convenience store that is looking to have beer and wine as its primary product. The Applicant has listed the business for sale, and is marketing it as a convenience store. Attached is the listing, which states, "Great opportunity for a buyer to

come in and increase business by adding Beer & Wine, Cigarettes, Western Union, Check Cashing, Dell and much more." This means that if this location is granted a CUP, the new owner can make any changes to this store. Including, making it a liquor store. The building is only 2,400 square feet and cannot be viable as a market. This location has been in existence since 2000 with the current owner and has operated without an alcohol license. However, now since the owner is looking to sell the business and building, we would not know the intention of the new owner. If the intention of the new owner is to operate as a beer and wine store, then it would be proper to have them thoroughly investigated by the police department through the Public convenience and necessity process and also through the Conditional Use Permit process. Remember, once you approve the CUP, this location will therefore be approved for placement of beer and wine off sale alcohol license by any owner as the approval of the CUP runs with the land. Again, there is already a corner "liquor store," directly across the street. This area does not need a second alcohol store on that corner. National City has enough liquor and beer and wine stores and specifically this Census Tract is already oversaturated. Therefore, any of those stores would serve any segment of potential clientele who is looking to purchase beer or wine.

- 3. Whether the business will be located within a 600-foot radius of incompatible facilities, such as public and private schools, day care centers, churches, park, homeless shelter, and alcohol rehabilitation centers, and facilities designed and operated to serve minors?**

Although not within 600 feet, El Toyon Elementary School/Recreation Center is located at 2005 E. 4th Street. This is approximately 800 feet away from the proposed location. Additionally, there is a church located at 125 Palm Ave., National City and is located across the street from the proposed location. Therefore not one, but two incompatible facilities exist in the immediate vicinity.

5. Over saturation by double for Off-Sale establishments;
6. ABC states- Area is considered "High Crime Rate," The census tract is "Over Concentrated;"
7. Crime rate for Beat 21 – 413.8%, nearly 4 times the rate of a "High Crime Rate" defined by ABC.

(See Attached National City Police Department Alcohol Beverage Control Risk Assessment)

Giving this location a license to sell more alcohol where a risk assessment was performed and the police department concluded that there is additional risk of more crimes, including assaults, robberies, and other alcohol-related occurrences, is akin to playing Russian roulette. Crime is sure to increase as a result of an additional alcohol license being issued.

6. Whether the issuance of the license will promote the goals and policies of the City's General Plan, any applicable specific plan, or any similar policies that have been adopted by the City Council?

No. This location is redeveloping towards increased residential with affordable housing.

Adding an additional store where alcohol can be purchased would not promote that goal.

There are already numerous locations to purchase alcohol within feet of the proposed location.

Again, there are schools, parks, churches, and also residences, all within feet of this proposed location.

7. Whether the application is for a premises where a previous license has been revoked within the previous one-year period?

No.

8. Whether the applicant has been convicted of any felony?

Unknown:

- 9. Whether the premises are located within 100 feet of residentially zoned property. If a parking lot exists for the benefit of patrons then the 100 feet begins at the perimeter of the parking lot?**

Yes. There are numerous residences throughout the area and even across the street facing the store. These residences already face one liquor store across the street and numerous stores and gas stations that sell alcohol in the area. They deal with the hassle of drunk and disorderly individuals, traffic, noise complaints, loiterers, etc. These houses are within feet of both a liquor store and the Applicant's store. Further, there is a petition being circulated among the residents in opposition of this application to allow for the sale of beer and wine.

- 10. Whether any other information supplied by the applicant, or other competent evidence shows that the "public convenience or necessity" will be served by issuance of the license. When consideration is given in determining "public convenience or necessity," any one of the foregoing guidelines may be sufficient grounds for denial. Each application shall be judged on an individual basis and any one criteria or combination of criteria may be waived as the result of imposed conditions?**

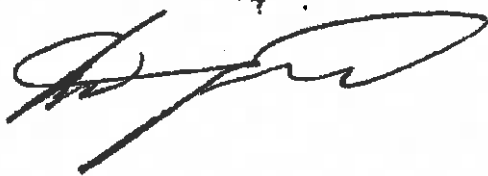
There will be no public convenience or necessity that will be met by allowing a Type 20 licensed location to exist at this location. It will be in direct opposition of public health, safety, and welfare. The vast majority of local residents, schools, and nearby churches are against an additional alcohol related business at this proposed location.

Allowing this location to operate as a Type 20 location will more than likely add to the already oversaturation of this census tract. If you approve this CUP, the oversaturation rate will increase from 2 license allowed and 4 existing to 5 existing. This license can also be moved to any approved location in the census tract in the future and if you approve this CUP it will run with the land. This proposed location is simply wrong. It is too close to schools, residences, churches, and other alcohol related stores. The attached pictures will show just how close the proposed location is to houses, schools, and a church.

Again, the Applicant is in the process of selling this store. They are marketing it as a store with potential. Specifically, they are marketing all products and services normally sold by liquor or beer and wine stores. The advertisement, which is attached, speaks of great opportunities if you add a beer and wine license, in addition to cigarettes and check cashing. This location is destined to become yet another outlet to purchase alcohol. There are too many children and residences in the area, crime is already substantial and considered a high crime area by the Police Department, there are schools in the area, a park in the area, an oversaturation of alcohol licenses in the area (2 existing, 4 allowed, and does not include the 3 on-sale premise locations in the census tract), and that does not include the liquor store directly across the street from the proposed corner because it borders an adjacent census tract.

Respectfully,

ROBERT ZAKAR

A large, stylized handwritten signature in black ink, appearing to be 'Robert Zakar', written below the printed name.



MLS #: 15200232 Short Sale: No
 APN:
 Addr: 1605 E 4th Street
 City, St: National City, CA
 Zip: 91906
 Present Loan
 Down Payment \$0,000
 Have Fully Operational Market
 Motive/Want Retro

Original Price: \$20,000 DOMLS 24
 Sold Price: MT 85
 List Date: 11/16/2015 LP/SqFt:
 Modified Date: 2/1/2016 SP/SqFt:
 CGE Date:

County: San Diego
 Type of Business: Neighborhood Market
 Business Name: Gania Produce
 Gross Equity: \$0000

Sales Restrictions: B/K
 Mandram: None Known

Listing Type: EA



REMARKS AND SHOWING INFO

Neighborhood Market that has a Meat Department and Produce. Great opportunity for a buyer to come in and turn this business by adding Sea & Wine, Cigarettes, Lotto, Western Union, Check Cashing, Deli and much more... There are many options. Just needs the right person to put it together. Price is the business only but the property may be negotiable with the right offer.

Conf. Remarks: Call John (619)301-6537 to schedule an appointment. Do not speak to the seller or go to the property without an appointment.

Map Code: 120057

QBRK: A00 CBRK:

Directions To Property:
 Showing Instructions:

Listing Agent: John Van Tassel - Home: 619-301-6537
 2nd Agent:
 Listing Office: The Real Estate Agency - Office: 619-670-9477

BR License: 01922638
 Broker ID: 07264
 Fax: 619-670-9477

Off Market Date: 2/1/2016 Close of Escrow:
 Selling Agent:
 Selling Office:

Financing:
 SA REF:

Concessions:
 Sale Price:
 Esc Date:

Geological Hazard Zone
 Flood Zone
 Zoning
 Lot Size
 Number of Employees
 Full Time Employees
 Part Time Employees
 Owner Works
 Owner Train Employees
 How Long Established
 Est. w/ Present Owner
 Equipment
 Pictures

Gross Annual Sales: 200,000
 Lease Type: Month-to-Month
 Lease Square
 Lease Deposit
 Lease Percent
 Lease Option
 Lease Term
 Lease Price/Per
 Monthly Rent Total: 1,500
 Assets Cash
 Assets Inventory
 Actual Payroll Tax
 Actual Payroll Expense



Accounts Receivable
 Assets Equipment
 Assets Leasehold Imp.
 Assets Real Estate
 Assets Other
 Assets Total
 Accounts Payable
 Accounts Payable
 Long Term Liability
 Total Liability

Actual Gross Sales
 Actual Cost of Sales
 Actual Gross Profit
 Actual Total Expense
 Actual Net Income
 Actual Owner Salary
 Actual
 Actual Inventory
 Actual Depreciation
 Actual Taxes Expense

Assets Included Equipment
 Assets Included Goodwill
 Assets Included Inventory
 Assets Inc. Lease Value
 Assets Included Real Estate
 Assets Included Other
 Assets Included Other
 Assets Included Other
 Assets Included Other

Permitted For: Retail & Grocery

THE REAL ESTATE AGENCY

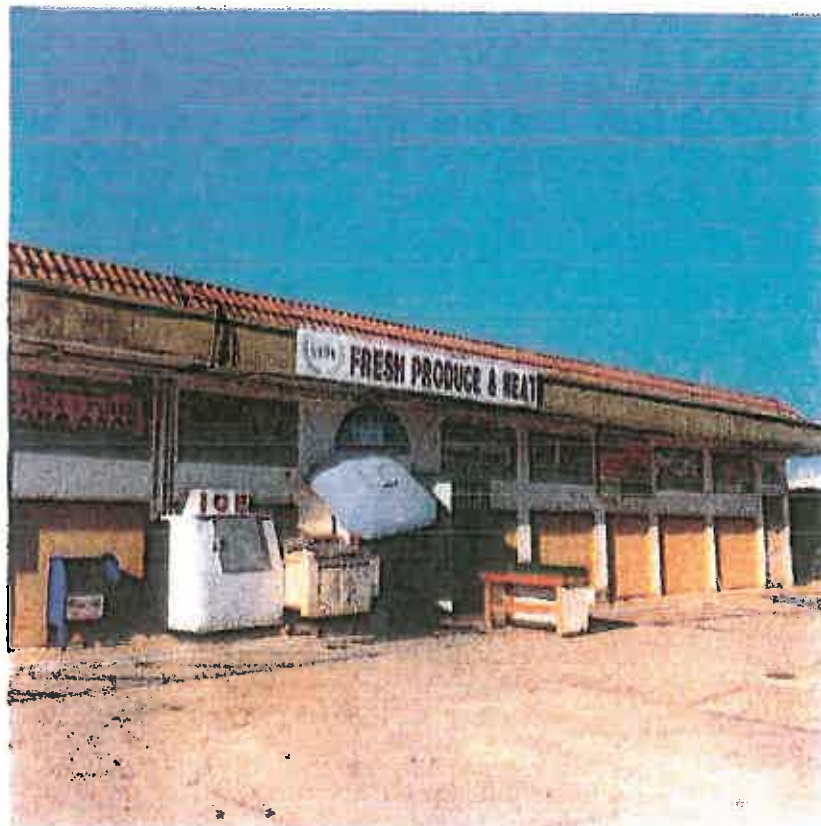
1605 E 4th Street, National City, CA 91906

This Retail property is For Sale.

1605 E. 4th Street

National City, CA 91950 2,400 SF Retail For Sale

\$90,000



Retail Property For Sale

Price	\$90,000	Property Sub-type	Street Leveling Unit
Building Size	2,400 SF	Property Use Type	Business For Sale
Price/SF	\$37.50	Construction Split	50%
Property Type	Commercial		
Street out name			
Listing ID: CR 101	Due Closed: 11/17/2024	Leased until: 01/01/25	

Description

Business for sale. This is a very profitable business that has been running for many years. The owner is looking for a buyer who can take over the business and continue to grow it. The business has a strong customer base and a good reputation in the community. The owner is willing to provide all the necessary information and assistance to the buyer. The business is located in a high-traffic area and has a large parking lot. The owner is looking for a buyer who can take over the business and continue to grow it. The business has a strong customer base and a good reputation in the community. The owner is willing to provide all the necessary information and assistance to the buyer. The business is located in a high-traffic area and has a large parking lot.

Annual Gross Sales \$300,000
 Lease \$100.00 monthly. Term can be negotiated.

There is no business plan out the business can be negotiated with the right offer.

Property of 1605 E. 4th Street, National City, CA 91950.

Research

1605 E. 4th Street, National City, CA 91950 (1605 E. 4th Street)

Property of 1605 E. 4th Street, National City, CA 91950 (1605 E. 4th Street)

Find out more.

Contact a local agent



Your Name

Phone

Email

I am interested in 1605 E 4th St, Nat City, CA 91950.

Get More Info

By sending, you agree to Trulia's Terms of Use & Privacy Policy.

of 7

Save

Share

National City, CA 91950

Income/Investment

180+ Days on Trulia

Edit Home Facts

By sending, you agree to Trulia's Terms of Use & Privacy Policy

See your commute times

100+ Rentals in this Area: Search Nearby Rentals

Check Your Equifax Credit Score For \$1 For 7 Days!

Property Details for 1605 E 4th St

180+ Days on Trulia

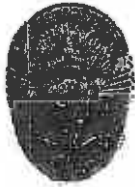
4 views

Commercial property for sale in National City, CA 700,000 USD

Description provided by Trulia

1605 E 4th St This income/investment is located at 1605 East 4th Street, National City, CA. 1605 E 4th St is in the 91950 ZIP code in National City, CA. The average listing price for ZIP code 91950 is \$340,585.





NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 12/03/15

BUSINESS NAME: Gama Produce

ADDRESS: 1606 East 4th Street, National City, CA 91950

OWNER NAME: Carlos & Susana Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

(add additional owners on page 2)

I. Type of Business

- ☐ Restaurant (1 pt)
☒ Market (2 pts)
☐ Bar/Night Club (3 pts)

II. Hours of Operation

- ☐ Daytime hours (1 pt)
☒ Close by 10pm (2 pts)
☐ Close after 10pm (3 pts)

III. Entertainment

- ☐ Music (1 pt)
☐ Live Music (2 pts)
☐ Dancing/Live Music (3 pts)

IV. Crime Rate

- ☐ Low (1 pt)
☐ Medium (2 pts)
☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- ☐ Below (1 pt)
☐ Average (2 pts)
☒ Above (3 pts)

Notes:

Crime Rate - over 120% (413.8%)

Census Tract - 220

Allowed Type 20 - (Off-sale, Beer & Wine)

Currently allowed On-sale - 5 / Currently have - 3

Currently allowed Off-sale - 2 / Currently have - 4

Over saturation

VI. Calls for Service at Location (for previous 6 months)

- ☐ Below (1 pt)
☒ Average (2 pts)
☐ Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ☐ Mostly commercial businesses (1 pt)
☐ Some businesses, some residential (2 pts)
☒ Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 15

VIII. Owner(s) records check

- ☒ No criminal incidents (0 pts)
☐ Minor criminal incidents (2 pts)
☐ Multiple/Major criminal incidents (3 pts)

OWNER NAME: Carlos Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

OWNER NAME: Susana Maza DOB: Not Disclosed

OWNER ADDRESS: 1605 East 4th Street, National City, CA 91950

Recommendation:

- NCPD does not have a proactive enforcement unit for ABC outlets.
- Within 100' of residences, El Toyon school and park near-by.
- (5) on-sale and (2) Off-sale licenses are allowed in the census tract
- Census tract 220 currently has (3) On-sale and (4) Off-Sale.
- Over saturation by double for Off-Sale establishments.
- ABC states - Area is considered "High Crime Rate," The census tract is "Over Concentrated."
- Crime Rate for Beat 21 - 413.8%, nearly 4 times the rate of a "High Crime Rate" defined by ABC

Completed by: Graham Young, Lt. Badge ID: 365



Google earth

feet _____ 200
meters _____ 80



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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
DARWIN MARTINEZ	114 NORTON AVE. NATIONAL CITY	CA 91950	2-7
		(619) 206-4666	
EDDIE FRANCIS SPRINGER	FRANCIS NATIONAL CITY	CA 91950	6-9 7-17 9-23 2-15
JAMES R. DIMAS	1730 LA PASADA ST., N.C., CA 91950	(619) 419-6894	4/15/16
LARRY MENDOZA	1705 E 5 th ST. NATIONAL CITY	91950 (619) 372-2334	2/15/16
Harold Branch	334 South Clairmont Ave National City	91950 619 459 9781	
JOSE DOMINGO	930 E. 4th ST. NATIONAL CITY,	91950 (619) 257-8556	2-16-16
JOSE DOMINGO			
CHARLES KING	Charles King 223 E 3rd St	710 290-1432	
STEVE LUNAS	110 S DELMONT AVE. NATIONAL CITY	CA 91950 (619) 288-6097	
Mike Sweetman	1574 E 7th St National City	91950 619 507 9410	2-16-20
DAVID HALL	116 PALMA AVE #14 NATIONAL CITY	91950 619 525-3880	2-16
MARCE MARTINEZ	709 M AVE. NATL. CITY, CA	91950 619 477 3710	2-16

Total this page = _____

Page _____ of _____

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Isabel Diaz	331-Solventer Ave. National City CA 91950	619/933-2046	2/17/16
Fred Hampden	135 Laurel St Apt 115 National City CA 91950	619 978 8670	2/17/16
Thomas Hunt	1510 E 4th St National City CA 91950	9188083459	2
Leslie Solheim	1581 E 6th St National City CA 91950	2/17/2016	
Errique Garcia	420 L Ave. National City CA 91950	619 471 619471	
Robert Baylson	2621 E 2nd St National City, CA 91910	2/17/16	
Felipe Ruiz	418-M 1st Street National City CA 91950	217-16 855-24375	
MIKE LADLEY	138 Norton Ave National City CA 91950	619-677-9566	
Jeremy Serrano	1709 Beth St. National City CA 91950	619 840-2863	2-17-16
Lola Garcia	223 Norton Ave NC 91950	619-804-9772	-02-17-16
Steve Esuna	2833 E 7th St. NC 91950	619 479-0838	2-17-16
STEVEN CLARK	8017 E 5th St N.C. 91950	(619) 838-4442	2-17-
GEORGE K CARTER	946 N M 237 NC 91950	(619-886-3869	2-17-16

Total this page =

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
<i>Hector Lopez</i>	<i>203 Laurel Ave #24 N.C. CA 91950</i>	<i>(619) 419-9561</i>	<i>2/17/16</i>
<i>Jessie Tshol</i>	<i>235 E P Street Napa, CA 94559</i>	<i>707-250-6300</i>	<i>2/18/16</i>
<i>TED OSUNA</i>	<i>2219 E 15th N.C. 91950</i>	<i>419-504521</i>	<i>2/18/16</i>
<i>George Lano</i>	<i>203 Laurel Ave #25 N.C. 91950</i>	<i>800-584021</i>	<i>2/18/16</i>
<i>PLACIDO BAPTISTA</i>	<i>2921 E 11th ST NAPT. CITY CA 91950</i>	<i>(619) 4534923</i>	<i>2/18/16</i>
<i>Cantela oscari</i>	<i>116 Palm Ave Apt #18 National City 91950</i>	<i>(619) 717-3004</i>	<i>2/18/16</i>
<i>Diana Chapa</i>	<i>72 Laurel Ave National City 91950</i>		<i>2/18/16</i>
<i>DIOSDADO D SANTOS</i>	<i>910 Euclid Ave NATIONAL CITY 91950</i>	<i>919-308-1132</i>	<i>2/18/16</i>
<i>MARY WOLFE</i>	<i>2167 E. 18th ST. NATIONAL CITY 91950</i>	<i>619-512-7288</i>	<i>2/18/16</i>
<i>MARLENE MORGAN</i>	<i>601 E AVE #14, NATIONAL CITY, CA 91950</i>	<i>(619) 385-3337</i>	<i>2/18/16</i>
<i>Mary S. Sanchez</i>	<i>535 Palm Ave National City CA 91950</i>	<i>619-902-1776</i>	<i>2/18/16</i>

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Robert S. Sarno, Capt. S. Sarno	125 N. U. Ave. National City, CA 91950	619-263-1500	2/18/16
Chris Lopez	1726 Galt St. National City, CA 91950	619-769-0500	2/18/16
Francisco Lopez	1504 E. 1st St. National City, CA 91950	619-263-1500	2/18/16
DAVID MICO David Mico	420#6 Q St. N.C. CA 91950		2/18/16
Francisco Lopez	2851 MARIPOSA ST. N.C. 91950	619-263-1500	2/18/16
Danny Drake Danny Drake	1724 Roosevelt Ave N.C. 91950	619-263-1500	2/18/16
Joel M. Mico	405 Palm Ave National City, CA 91950	619-263-1500	2/18/16
Bon ARMS / BON	535 Palm Ave N.C. 91950	619-394-9558	2/18/16
James Lopez J.L.	635 G AVE N.C. 91950	(619) 756-2666	2/18/16
Marta Pimentel	733 J AVE N.C. 91950	(619) 486-1899	02/18/16
Jesus Lopez	425 Palm Ave. N.C. 91950	(619) 273-1308	02/18/16
Victor Ramos	203 Norton Ave N.C. 91950	(619) 791-3753	02/18/16
JOSHUA T. CRUC	431 RACHAEL AVE. N.C. 91950	(619) 475-8784	2/18/16

Total this page " " Page ____ of ____

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Linton Wilson	849 Plaza Calaveras Wy		2/29/16
Emile McDaniel	2229 east 4th Ave CA 91950		2/29/16
LARRY WHE	70 E. KENTON AVE. NC 91950	619-367-9688	2/29/16
Jennifer Siqueira	2350 Poinc Ave National City CA 91950	(619) 450-7511	2/20/16
Julio Gamboa	1536 east 4th St. NC 91950	619-682-6521	2/29/16
CARMEN FLORES	114 LAUREL AVE NATIONAL CITY 91950	619-368-7124	2/29/16
ROBERTO MARTINEZ	100 LAUREL AVE NATIONAL CITY 91950	619-287-7853	2/29/16
Adrian Flores	114 Laurel Ave Nat. City 91950	619-768-7124	2/29/16
Ernesto Perez	205 Norton Ave 47 E. NC 91950	619-779-1323	2/29/16
Sony Gomez	526 L Ave NC 91950	619-508-9300	2/29/16
Leis Marcelo	1459 E. 1st Street Nat City 91950	619-621-9888	2/29/16
Monica Morales	1420 E. 5th St. NC 91950	619-779-1323	2/29/16
Andrea Hernandez	205 Norton Ave NC 91950	619-732-8040	2/29/16
PANK ROBLES	7648 7th St NC 91950	(619) 765-9755	2/29/16

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Armando Contreras	1332 E 5th St. N.C. 91950	619-408-2767	2/19/16
William T. VandenBerg	488 Hargrave Ave N/C. CA 91950	619 470 0811	2/19/16
John Morales	431 50 TAVE N.C. 91950	619 674 4895	2/19/16
Tom Copper	1200 Jd. Henton N.C. 91950	619 470 8868	2/19/16
Jack Duke	1000 E. 2nd St N.C. 91950	619 933-5491	2/19/16
Ramon Morales	1705 E 5th St. National City, CA 91950	619-773-3514	2/19/16
Carlos Hernandez	1319 E 4th St National City, CA 91950	619 272 2311	2/19/16
Valeria Alvarez	1319 E 4th St NATIONAL CITY CA 91950	619-955-1340	2/19/16
Dean	200 L AVE NATIONAL CITY CA 91950	619 370 1340	2/19/16
Dave Hernandez	208 Palm Ave. N.C. CA. 91950	619-434-1340	2/19/16
Daria Zamora	1110 Palm Ave #5 NC CA 91950	(619) 577-5583	2/19/16
Michelle Ortiz	205 E 2nd St National City 91950	(619) 755-6056	2/19/16
Sophiana Un	2510 E 1st St NC 91950	(619) 471-5012	2/19/16

Total this page -

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Trina Packard	238 Palm ave. NC 91950	(619) 249-2712	2/20/10
Rubena G. Santos	910 Buckle Ave. # 134 National City CA 91950	(619) 821-0822	2/20/10
Evelyn Johnson	1531 East 6th St. National City, CA 91950	(619) 477-0821	2/20/10
Richard G. Aguirre	330 Norton Ave. National City, CA 91950	(619) 477-9237	2/20/10
Rebecca Lopez	414 E. Ave. N.C. 91950	721/11	2/20/10
David Nelson	1038 E. 2nd St. N.C. 91950	259-3701	2/20/10
DADA CHION	1121 PALM AVE NAT. 91950	213-2739	2/20/10
Lana Santoya	325 1/2 Norton Ave. N.C., CA 91950	611-477-1414	2/20/10
Rene Gaffney	1723 Delta St N.C. CA 91950	619-874-4661	2/20/10
Roberto Hernandez	205 Norton ave apt A N.C. 91950	(619) 634-00-31	2/20/10
Marlyu B. B. B.	238 Polo Rd. NC 91950	(619) 261-2613	2/20/10
Gina F. F.	4200 Ave. #6 NC 91950	(619) 390-8823	2/20/10
Nicolina S.	1604 E 4th St NC, CA 91950	619-477-0212	2/20/10

Total this page =

Page ____ of ____

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
PERRY UATENGA	439 PAUM. AVE, NC	91950 323-533	2-14-6
MICHAEL GARDNER	640 M AVE DE CALF	91950 619 582-7878	2-14-6
Dore Shire	1370 S 50 St	91950 916 756 7328	2-14-6
Miguel Miguel	1114 East 5th St. N.C.	CA. 91950 - 791-41	2-14-6
Jaime Lopez	3221 NATIONAL CITY BLVD SPC 71	N.C. CA. 91950 619 309 3778	02/23/11
Hector Ariza	1308 E 4th Street National City	91950 619 496 1450	2/23/11
FRANK CRESTIK	2415 E 2ND ST. NATIONAL	CITY 91950 619-267-9241	2-2
Hilary Morrison	1434 E. 7th St. NC	CA 91950 619 962 4030	2-2
LOIS ESTRADA	708 M AVE #2 NATIONAL CITY	CA 91950 (619) 929-17	2/24/11
Socorro Gonzalez	6344 East 6th St N.C.	CA 91950 (619) 581-2622	2/24/11
Armando Rumeo	205 Norton Ave N.C.	CA 91750 (619) 586-2404	2/24/11
JOSE ALBERTO SOTO	6410 EDWARDS ST N.C.	91950 619 791 0435	2-24-6
ROBERTO RIVERA	3505 PAPERBLOSSOM LN N.C.	91950 (619) 301-2086	2/25/11

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Gilbert A. Pimentel	430 Thelma Way, N.C., CA 91950	858-361-4932	2/27/86
Rose Granda	1905 L Ave N.C. CA 91950 (M)	259 4286 2/2	
Andres Funes	1441 E 5th St N.C. CA 91950	619-666-8665	2/28
David Torres	3840 Peach Blossom St N.C. 91950	619-253-6997	
Dawson Lynn J. J. J.	1319 East 5th St N.C. 91950	619-224-1540	2/28
NIMFA F. ARELLANO	627 Palm Ave. N.C. 91950	619-228-2037	
Jose Celis	2032 E 4th St N.C. 91950	(619)228-5787	2-29-16
Christian Michor	2222 East 5th Street National City CA 91950	(619) 282-017	
Rene Traxler	2010 E 5th St N.C. 91950	619 274 7984	2/2
Rafael S. Courtney	608 K Avenue National City 91950		
Ricardo Vivas	1634 E 4th St N.C. 91950	(619) 831-2087	
Edwin J. J.	705 Palm Ave. N.C. CA 91950	(619) 228-2287	2-29-88
Manoel Tano	705 PALM AVE. N.C. CA 91950	(619) 900-8292	2/29/86

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NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Leanne Wickham-Nick	1339 Division St.	N.C. 91950 (619) 316-5608	3-1-16
Louis G. G. E. M. A. N. T. E. R.	1339 Division St. N.C.	91950 619-264-7318	
Becky Barron	306 Palm Ave. National City,	CA 91950 619-474-5745	
Russell F. S. A. N. E.	1114 L Ave. N.C. 91950	619-474-0169	3-1-16
Sam Provenzano	416 Palm Ave. N.C.	91950 619-718-1100	3-1-16
Gilbert A. Casanova	1405 E. Division St. N.C.	91950 619-779-0567	3-1-16
Nickolas De la Cruz	1614 E. 5 th St. N.C.	91950 3-5-16	
Virginia P. L. A. O. H. I. M. A. L. I. A.	1419 E. 7 th N.C. 91950	619-717-4458	3-1-16
Eva Fuelle	38 South Dixiel Ave. N.C. 91950	619-339-2087	3-4-16
ERICK TOPALIO	228 Palm Ave. N.C. 91950	619-796-9057	3-1-16
Marcelyn Duke	1001 E. 2 nd St. N.C. 91950	619-209-1201	
Guy Wright	1632 Gamma St. N.C. 91950	619-715-1428	3-1-16

Total this page = _____ Page _____ of _____

We, the undersigned, are residence and / or work in National City, California. We have been made aware that Gamma Produce and / or a representative have applied for a Type 20 (Beer and Wine License) at 1605 E. 4th Street, National City, CA 91950. We feel that the addition of an alcoholic beverage outlet at this location will be detrimental to the public safety, Health and welfare of our children and this community. I am over the age of 18 and I am NOT IN SUPPORT of this license application / Conditional Use Permit.

NAME	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Juanita Aguilar	280 W. M. Ave NC	91950	03/06/2016
Alexi Andraca	502 S. Tavenue NC	91950 713-8862 (619)	3/6/2016
Charles Miranda	502 S T avenue NC	91950 619534-0889	3/6/16
Denis Andraca	502 S. T Avenue NC	91950 (619) 765-9492	3/6/16
Davide Valdez	324 E. 2nd St. NC	91950 619-931-8650	3/6/16

RESOLUTION NO. 2016-08

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR ALCOHOL SALES
AT GAMA PRODUCE LOCATED AT 1605 EAST 4TH STREET.
CASE FILE NO. 2015-28 CUP
APN: 554-050-19**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for alcohol sales at Gama Produce located at 1605 East 4th Street at a duly advertised public hearing held on May 2, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2015-28 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 2, 2016, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because alcohol sales for off-site consumption are a conditionally-allowed use in the Minor Mixed-Use Corridor Zone.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because alcohol sales are permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A market is a retail use that is consistent with the Minor Mixed-Use land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity,

because no expansion is proposed, because the proposed use would be accessory to an existing market use in an existing commercial area, and because the sale of beer is not expected to appreciably increase traffic on East 4th Street or Palm Avenue based on the current capacity and traffic numbers.

4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the proposed use would be accessory to an existing market use in an existing commercial area, which is not expected to increase the demand for parking on the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be compatible with other businesses in the same census tract; and because the proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; There is no calculable increase in traffic and no other impacts are anticipated; therefore, the project would not result in any physical changes to the environment.
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because it will contribute to the continued viability of a market, an established and allowed use in the Minor Mixed-Use Corridor Zone. Alcohol sales would add to the convenience of the consumer, in that customer would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their grocery needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes the sale of beer and wine at an existing market located at 1605 East 4th Street. The display of alcoholic beverages shall be limited to

an area in substantial conformance with Exhibit A, Case File No. 2015-28 CUP, dated 11/18/2015.

2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
7. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
8. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
9. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
10. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.

11. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
12. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
13. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
14. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
15. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
16. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.

Police

17. Permittee shall comply with all regulatory provisions of the Business and Professions Code that pertain to the sale, display and marketing or merchandising of alcoholic beverages.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that

meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 2, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON





Item no.
May 2, 2016

6

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING – CONDITIONAL USE PERMIT FOR
OUTDOOR STORAGE AT ABC SUPPLY, INC. LOCATED
AT 2840 TRANSPORTATION AVENUE.

Case File No.: 2016-06 CUP

Location: 2840 Transportation Avenue

Assessor's Parcel Nos.: 562-150-19

Staff report by: Michael Fellows, Assistant Planner

Applicant: Rebecca Barnes (for ABC Supply Company)

Zoning designation: IL (Light Industrial)

Adjacent zoning:

North: Industrial / IL (Light Industrial)

East: Automobile Dealership / CA (Automobile Commercial)

South: Industrial / IL (Light Industrial)

West: Industrial / IL (Light Industrial)

Environmental review: Not a project per CEQA

Staff recommendation: Approve

BACKGROUND

The applicant has applied for a Conditional Use Permit (CUP) to store building supplies (roofing materials) on a lot at 2840 Transportation Avenue. NCMC §18.25.020 requires a CUP for such a use in the Light Industrial (IS) zone. Use of this property would be an expansion of the existing business, which is located on a neighboring lot.

Site characteristics

The property has 270 feet of frontage on Transportation Avenue and is approximately 210 feet deep and is zoned IL (Light Industrial). The property is 1.3 acres in size and is developed with a 16,000 square-foot metal building with 800 square feet of office area. The area surrounding the building is asphalt, which is surrounded by an eight-foot high perimeter fence.

Proposed use

The applicant (ABC Supply Company) is proposing to use the property for both indoor and outdoor building supply storage (roofing materials). The area of outdoor storage (the subject of this permit request) would be between the building and Transportation Avenue. If approved, this location would be an expansion of the applicant's existing roofing supply business, which is located on the property adjacent to the south of the subject property at 135 W. 30th Street.

Analysis

General Plan

The General Plan Land Use Element designates the property as Industrial which is intended to provide areas for employment intensive uses, light manufacturing, storage facilities, warehousing, and distribution.

The proposed roofing supply storage use is consistent with the intent of the Industrial land use designation described above, as it would help support an employer that intends to use the property for storage, warehousing, and distribution services.

Additionally, the General Plan contains City-wide goals and implementing policies.

Land Use Element Goal LU-2: Calls for a mix of land uses including residential, commercial, employment, service, agricultural, open space, and recreational uses that accommodate the needs of persons from all income groups and age levels. Policies implementing this goal include:

- **Policy LU-2.6:** Support development and redevelopment that creates jobs for all income levels.

The proposal is consistent with this policy, as the applicant has stated they propose to hire three to five employees in addition to the existing 9 employees serving their other location. Employees would be shared by both locations.

- **Policy LU-2.8:** Designate land for industrial uses sufficient to meet future city needs, but only in locations that will not negatively impact residential neighborhoods.

In this case there will be no impacts on residential development since the closest residence is located on "A" Avenue that is approximately .15 of a mile from the subject property, and the Industrial land use designation does not allow for the future development of nearby residential uses.

- **Policy LU-5.11:** Support efforts to reduce unemployment rates for city residents.

The proposed business expansion supports efforts to reduce unemployment rates since the applicant proposes to hire additional employees and the expansion supports the business and its existing employees.

Land Use Code

Land Use Code (LUC) Section 18.25.020 establishes permitted uses in the IL zone. Building materials sales and accessory outdoor storage is permitted by right in the IL zone. However, outdoor storage as a primary use in this zone (the entire property will be used for storage and no sales activities are proposed on the site) requires a Conditional Use Permit.

Outdoor Storage – LUC Section 18.30.160 regulates outdoor storage. The section requires that all storage of more than 60 cubic feet and is visible from any public street be enclosed by a view obscuring fence. This section further requires that any materials in outdoor storage areas are stacked to a height no greater than that of any building, wall, fence, or gate enclosing the storage area.

In this case the property currently has an eight-foot tall view-obscuring fence that surrounds most of the property; therefore, Conditions of Approval have been included to require that the fence be maintained and that materials be stacked no higher than the perimeter fence.

Parking Requirement – LUC Section 18.45.050 prescribes the required number of off-street parking spaces by land use. This Code section requires that warehouse uses provide one space for each 1,000 square feet and that office uses provide one space per 200 square feet of floor area. This equates to 20 parking spaces (16 for the warehouse and 4 for the office).

A Condition of Approval has been added requiring the applicant to submit a revised parking plan to the Planning Department. The plan will identify the 20 parking spaces closest to Transportation Avenue as required spaces and will prohibit use of these spaces for storage.

Mailing – All property owners and occupants within a distance of 300 feet are required to be notified of a public hearing for CUP applications. 62 people were notified by mail of this public hearing, which met this requirement.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

Outdoor storage is permitted in the IL zone subject to a Conditional Use Permit per LUC section 18.25.020, and the proposed outdoor storage complies with all other provisions of the Land Use Code including requirements for screening, parking, and notification as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

The proposed use is consistent with all General Plan since the property is designated for Industrial land uses that include employment intensive uses, light manufacturing, storage facilities, warehousing, and distribution that is consistent with the use proposed by the applicant.

The proposed is consistent with General plan Policies LU-2.6, LU-2.8, and LU-5.11 since the proposal would create jobs, supports an existing employer, establish an industrial use without negatively impacting residential development, will support efforts to reduce the unemployment rate.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The proposed outdoor storage use is located in an Industrial Zone surrounded by industrial uses on 1.3 acre lot that far exceeds the 5,000 square foot minimum lot size in the zone. Further reducing impacts on existing and future requirements is the eight foot screen fence surrounding the property and a Condition of Approval that the storage not exceed the fence height.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

This proposal is for outdoor storage on a property that is developed for, and previously used by, industrial uses. There is no expansion proposed to the building, which already has access and utilities.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The proposed outdoor storage use is located in an industrial zone surrounding by industrial uses. All outdoor storage would be screened from neighboring properties mitigating visual impacts on neighboring properties.

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as the property is an existing paved lot that will be repaved and used for outdoor storage.

Department and Agency Comments

The application was routed to the Building, Fire, and Engineering Departments. No comments were received that related to the outdoor storage component of the business, which is the subject of this CUP application. There were comments related to interior use of the building on the site, which is not included in this application. These comments will be addressed separately through the building permit and business license process.

Conditions of Approval

Standard Conditions of Approval have been included with this permit. Additionally conditions specific to the outdoor storage use have been added. These conditions include a requirement to submit a revised site plan to the Planning Department identifying required parking spaces and prohibiting their use for storage, conformance with outdoor storage requirements found in LUC section 18.30.160, and maintenance of an eight foot tall fence.

Summary

The proposed outdoor storage use is consistent with the General Plan, as the property is designated for industrial uses that include storage, warehousing, and distribution services. Furthermore, the proposed storage is consistent with General Plan Policies since it would create jobs, support efforts to reduce unemployment rates, and is compatible with neighboring uses. The proposal is also consistent with the Land Use Code since outdoor storage is permitted in the IL zone with a Conditional Use Permit and since the proposal meets all requirements for outdoor storage specified in LUC section 18.30.160.

OPTIONS

1. Approve 2016-06 CUP subject to the conditions listed below, based on attached findings and/or findings to be determined by the Planning Commission; or
2. Deny 2016-06 CUP based on findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Overhead
4. Site photos
5. Applicant's Plans (Exhibit A, case file no. 2016-06 CUP, dated 3/15/2016)
6. Public Hearing Notice (Sent to 60 property owners)


MICHAEL FELLOWS
Assistant Planner


BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF CONDITIONAL USE PERMIT
Case File No. 2016-06 CUP – 2840 Transportation Avenue

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because outdoor storage is permitted in the IL zone subject to a Conditional Use Permit per LUC section 18.25.020, and the proposed outdoor storage complies with all other provisions of the Land Use Code including requirements for screening, parking, and notification as discussed in the staff report.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because the proposed use is consistent with all General Plan since the property is designated for Industrial land uses that include employment intensive uses, light manufacturing, storage facilities, warehousing, and distribution that is consistent with the use proposed by the applicant. The proposed is consistent with General plan Policies LU-2.6, LU-2.8, and LU-5.11 since the proposal would create jobs, supports an existing employer, establish an industrial use without negatively impacting residential development, will support efforts to reduce the unemployment rate.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the proposed outdoor storage use is located in an Industrial Zone surrounded by industrial uses on 1.3 acre lot that far exceeds the 5,000 square foot minimum lot size in the zone. Further reducing impacts on existing and future requirements is the eight foot screen fence surrounding the property and a Condition of Approval that the storage not exceed the fence height.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because this proposal is for outdoor storage on a property that is developed for and previously used by industrial uses. There is no expansion proposed to the building that is already had access and utilities.
5. That granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed outdoor storage use is

located in an industrial zone surrounding by industrial uses. All outdoor storage would be screened from neighboring properties mitigating visual impacts on neighboring properties.

6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because the project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

RECOMMENDED CONDITIONS OF APPROVAL

2016-06 CUP – 2840 Transportation Avenue

General

1. This *Conditional Use Permit* authorizes outdoor storage at 2840 Transportation Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2016-06 CUP, dated 3/15/2016).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Fire, Plumbing, and Mechanical Codes.

Fire

6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).

Planning

7. The proposed outdoor storage use shall conform to all requirements of Municipal Code Chapter 18.30.160, which regulates outdoor storage.

8. A revised site plan shall be submitted to the Planning Department identifying 20 parking spaces that are to remain open for use as automobile parking spaces.
9. No Storage of materials shall be located on, or block access to, required parking spaces.
10. Storage of materials shall be stacked at or below the height of the perimeter fence.
11. The perimeter fence shall be properly maintained both structurally and aesthetically.

2016-06 CUP – 2840 Transportation Avenue – Outdoor storage – Overhead





1. Fencing overview; metal panels



2. East building elevation and view of property from street



3. West building elevation



4. North building elevation



5. West building elevation



6. South building elevation



7. Vehicle storage yard and asphalt paving



8. Covered area at structure portion

LEGEND:
NO WALL
STEEL PO
WALL

④ STORED DRAIN EXHAUST
DOC NO. 305559

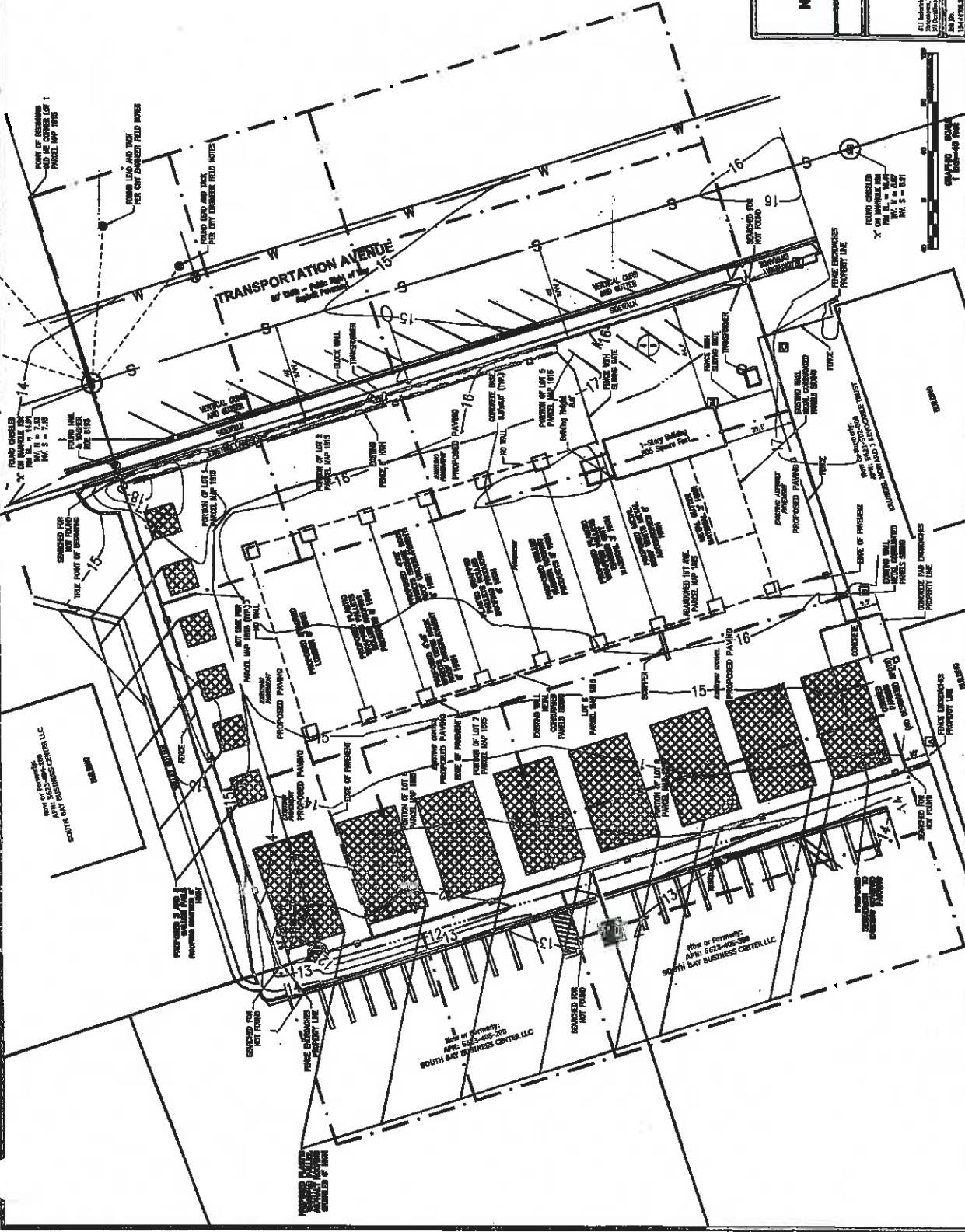
EXHIBIT: A
CASE FILE NO.: CWP-2016-06
DATE: 3/15/2016

**STORAGE UNIT CONCEPT PLAN
2840 TRANSPORTATION AVENUE
NATIONAL CITY, CALIFORNIA 91957**

**SITUATED IN
NATIONAL CITY, SAN DIEGO COUNTY, CALIFORNIA**

PARTNER

Engineering and Construction, Inc.
(a DBA of Petrow Associates Corp., a NE Engineering firm)
611 Industrial Way West
Tol., Ind. 46784
Tel. 463-1700

[illegible]



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE
AT ABC SUPPLY, INC. LOCATED AT
2840 TRANSPORTATION AVENUE.
CASE FILE NO.: 2016-06 CUP
APN: 562-150-19

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, May 2, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Rebecca Barnes)

The applicant proposes to store stacked roofing material in a paved storage lot between their building and Transportation Avenue. The project site is a commercial wholesale roofing material business (ABC Supply, Inc.). Operating hours of the business are 6:30 a.m. to 4 p.m. Monday to Friday.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **May 2, 2016** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2016-09

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE AT ABC SUPPLY, INC.
LOCATED AT 2840 TRANSPORTATION AVENUE.
CASE FILE NO. 2016-06 CUP
APN: 562-150-19**

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for outdoor storage at ABC Supply, Inc. located at 2840 Transportation Avenue at a duly advertised public hearing held on May 2, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2016-06 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 2, 2016, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because outdoor storage is permitted in the IL zone subject to a Conditional Use Permit per LUC section 18.25.020, and the proposed outdoor storage complies with all other provisions of the Land Use Code including requirements for screening, parking, and notification as discussed in the staff report.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because the proposed use is consistent with all General Plan since the property is designated for Industrial land uses that include employment intensive uses, light manufacturing, storage facilities, warehousing, and distribution that is consistent with the use proposed by the applicant. The proposed is consistent with General plan Policies LU-2.6, LU-2.8, and LU-5.11 since the proposal would create jobs, supports an existing employer, establish-

an industrial use without negatively impacting residential development, will support efforts to reduce the unemployment rate.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the proposed outdoor storage use is located in an Industrial Zone surrounded by industrial uses on 1.3 acre lot that far exceeds the 5,000 square foot minimum lot size in the zone. Further reducing impacts on existing and future requirements is the eight foot screen fence surrounding the property and a Condition of Approval that the storage not exceed the fence height.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because this proposal is for outdoor storage on a property that is developed for and previously used by industrial uses. There is no expansion proposed to the building that is already had access and utilities.
5. That granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed outdoor storage use is located in an industrial zone surrounding by industrial uses. All outdoor storage would be screened from neighboring properties mitigating visual impacts on neighboring properties.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because the project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. Given that there is no calculable increase in traffic and no other impacts are anticipated staff is of the opinion that the project would not result in any physical changes to the environment.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes outdoor storage at 2840 Transportation Avenue. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2016-06 CUP, dated 3/15/2016).
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by

the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the *County Clerk* and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Building

5. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Fire, Plumbing, and Mechanical Codes.

Fire

6. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA).

Planning

7. The proposed outdoor storage use shall conform to all requirements of Municipal Code Chapter 18.30.160, which regulates outdoor storage.
8. A revised site plan shall be submitted to the Planning Department identifying 20 parking spaces that are to remain open for use as automobile parking spaces.
9. No Storage of materials shall be located on, or block access to, required parking spaces.
10. Storage of materials shall be stacked at or below the height of the perimeter fence.
11. The perimeter fence shall be properly maintained both structurally and aesthetically.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 2, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONDITIONAL USE PERMIT FOR MOTOR
VEHICLE STORAGE AT 100 EAST 18TH STREET.

Case File No.: 2016-09 CUP

Property Location: South side of 18th Street east of National City Blvd.

Assessor's Parcel No.: 560-210-45

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Dan Levine

Property owner: Levine Family Living Trust

Zoning designation: Service Commercial (CS)

Adjacent land use/zoning:

North: American Legion/Automobile service across East 18th
St. / CS (Service Commercial)

East: Residential / CS (Service Commercial)

South: Hillcrest Manor Sanitarium / CA (Commercial
Automotive)

West: Auto Sales / CA (Commercial Automotive)

Environmental review: Not a project per CEQA

Staff Recommendation: Approve

BACKGROUND

The applicant has applied for a Conditional Use Permit (CUP) to store automobiles associated with area car dealers on a lot at 100 East 18th Street. NCMC §18.22.020 requires a CUP for such a use in the Service Commercial (CS) zone. Operating hours associated with shuttling vehicles to dealerships would typically be from 8:00 a.m. to 6:00 p.m. seven days a week.

Site Characteristics

The project site is a vacant and partially paved lot with a six-foot tall chain link fence. The overall lot size is approximately 11,290 square feet, with 4,980 square feet being paved. The perimeter fence has vinyl slats, which screen the lot from adjacent properties. The lot has historically been used as for vehicle storage, though without appropriate permits. The property is located within the Service Commercial (CS) zone.

Proposed Use

The lot will be used by nearby automobile dealers for overflow storage of new and/or used vehicles. No construction is proposed. Although vehicles would potentially store at the site for up to 24 hours a day, typical operating hours involved with shuttling vehicles to and from area dealerships would typically be from 8:00 a.m. to 6:00 p.m. seven days a week. Vehicle storage would only occur on the paved portion of the lot.

Analysis

General Plan – The Land Use Element of the General Plan describes the Service Commercial zoning designation as follows:

...provides for intensive commercial activities, specialized service establishments, and other compatible uses. Light manufacturing, wholesaling, and distribution uses are restricted to those that can be operated in a clean and quiet manner.

The storage component would be for operable and serviceable vehicles only. No repair or maintenance is proposed or permitted. A condition of approval has been included to prohibit such activities. Therefore, the use is consistent with the General Plan language above. Vehicle storage and shuttling operations would not cause any impacts above that of any normally allowable use in the zone.

Land Use Code – Chapter 18.22.020 requires a CUP for outdoor storage of vehicles in the CS zone. Chapter 18.30.160 has regulations for outdoor storage uses, including the requirement for a view-obscuring fence at least six-feet in height, which the property currently has installed. A condition has been included to require ongoing maintenance of the fence.

Required findings

The Municipal Code contains required findings for Conditional Use Permits. There are six required findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code.

The use is allowable within the Service Commercial zone pursuant to a Conditional Use Permit, and the proposed vehicle storage use meets the required guidelines in the Land Use Code for outdoor storage of vehicles, as discussed in the staff report.

2. The proposed use is consistent with the General Plan and any applicable specific plan.

Outdoor storage of vehicles is permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan. A vehicle storage lot is consistent with the Service Commercial land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

The property is an existing paved and fenced lot that has historically been used for vehicle storage and parking. No change in traffic impacts above what currently exists and has historically occurred in this area is expected. No construction is proposed. Access to and from the site is provided by East 18th Street, a collector street operating at a Level of Service (LOS) of C (on a scale from A to F). East 18th Street is operating below capacity.

4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The property is already fenced and paved and no construction is proposed. The proposed use of the lot is consistent with previous use of the property.

5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The property is already fenced and paved and no construction is proposed. The proposed use of the lot is consistent with previous use of the property. In addition, other area uses are similar in nature (auto sales lots, auto repair, etc.).

6. The proposed project has been reviewed in compliance with the California Environmental Quality Act.

The project is not considered a project under CEQA (California Environmental Quality Act), as no development is proposed. The property is an existing paved lot that has historically been used for automobile storage.

Conditions of Approval

Standard Conditions of Approval have been included with this permit, as well as conditions related to Code requirements for outdoor storage uses. Conditions include requiring parking on paved surfaces only and fencing requirements (maintenance and installation/maintenance of view-obscuring slats).

Summary

The proposed use is consistent with the General Plan, because outdoor vehicle storage is a conditionally-allowed use in the Service Commercial Zone. The project is also consistent with the Land Use Code and with other area uses. The property is an existing paved lot that has historically been used for automobile storage. No change in development or new construction is proposed.

OPTIONS

1. Approve 2016-09 CUP subject to the conditions listed below, based on attached findings; or
2. Deny 2016-09 CUP based on findings to be determined by the Planning Commission; or
3. Continue the item in order to obtain additional information.

ATTACHMENTS

1. Recommended Findings
2. Recommended Conditions
3. Overhead
4. Site photo
5. Applicant's Plans (Exhibit A, Case File No. 2016-09 CUP, dated 3/24/2016)
6. Public Hearing Notice (Sent to 55 property owners and occupants)

A handwritten signature in blue ink, appearing to read "Martin Reeder".

MARTIN REEDER, AICP
Principal Planner

A handwritten signature in blue ink, appearing to read "Brad Raulston".

BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL

2016-09 CUP, 100 East 18th Street

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Service Corridor zone pursuant to a Conditional Use Permit, and the proposed vehicle storage use meets the required guidelines in the Land Use Code for outdoor storage of vehicles, as discussed in the staff report.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because outdoor storage of vehicles is permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; a vehicle storage lot is consistent with the Service Commercial land use designation contained in the Land Use and Community Character (LU) section element of the General Plan. In addition, the property is not within a Specific Plan area.
3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the property is an existing paved and fenced lot that has historically been used for vehicle storage and parking; no change in traffic impacts above what currently exists and has historically occurred in this area is expected; no construction is proposed; access to and from the site is provided by East 18th Street, a collector street operating at a Level of Service (LOS) of C and below capacity.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the property is already fenced and paved and no construction is proposed; the proposed use of the lot is consistent with the previous use of the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the property is already fenced and paved and no construction is proposed; the proposed use of the lot is consistent with the previous use of the property and with other area uses that are similar in nature.

6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; the property is an existing paved lot that has historically been used for automobile storage and no construction or additional development is proposed.

RECOMMENDED CONDITIONS OF APPROVAL

2016-09 CUP, 100 East 18th Street

General

1. This *Conditional Use Permit* authorizes outdoor storage of automobiles at an existing paved lot located at 100 East 18th Street. Except as required by conditions of approval, all activities and/or plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2016-09 CUP, dated 3/24/2016).
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.
3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and/or the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. All motor vehicles shall be parked on a paved service. No wrecked or otherwise non-operational vehicles are permitted to be stored on the property.
7. The property shall be enclosed by a view-obscuring fence or wall at least six feet high. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction.
8. The fence shall be maintained in good repair, including view-obscuring slats in the chain link, which are required as part of this permit. Damaged slats shall be replaced when necessary.
9. No vehicle repair or maintenance activities are permitted as part of this permit.

2016-09 CUP – 100 East 18th Street vehicle storage – Overhead



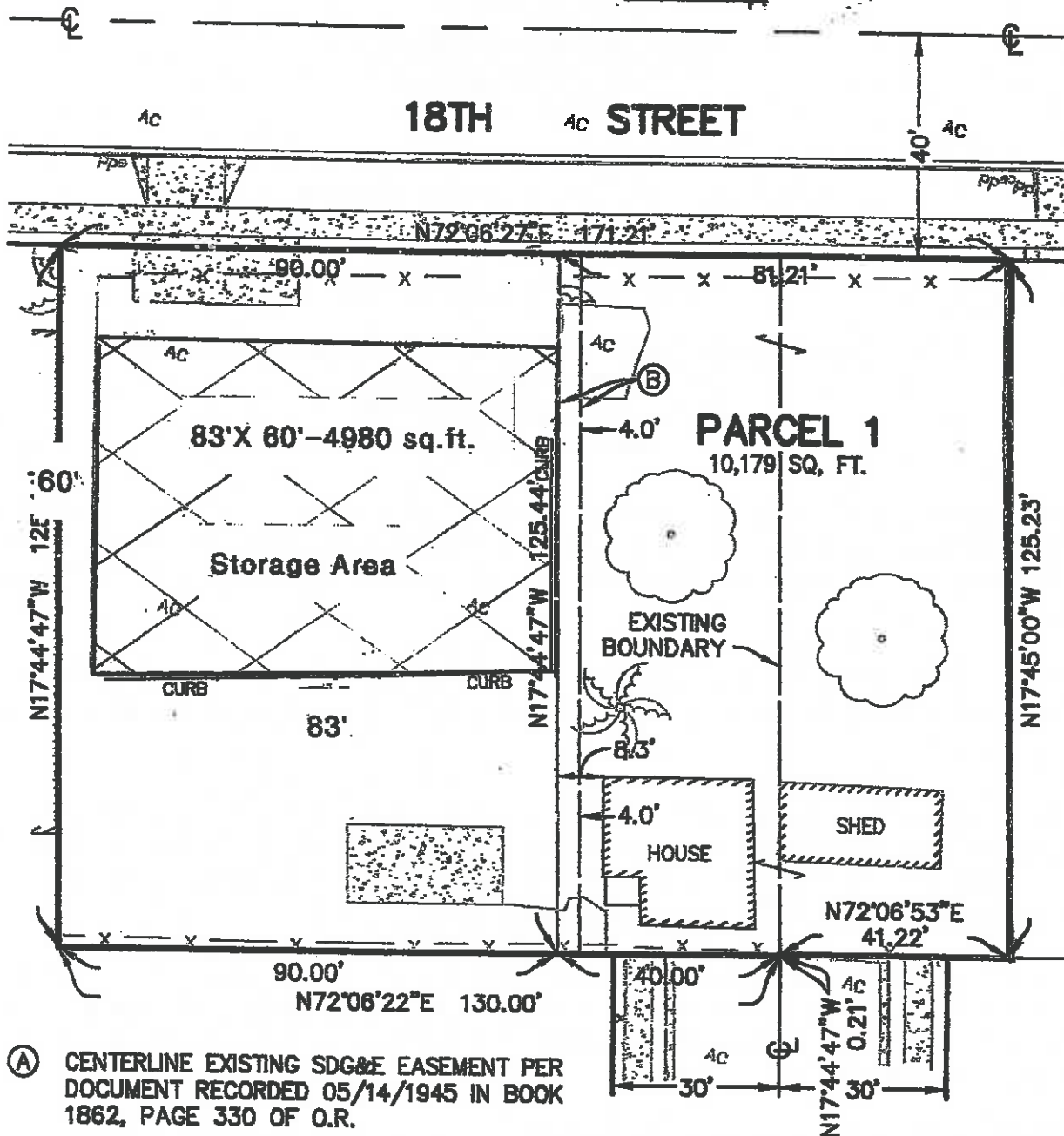
2016-09 CUP – 100 East 18th Street vehicle storage – Site Photo



Subject property looking southeast

CERTIFICATE OF COMPLIANCE NO. 15-02

ADJUSTMENT PLAT NO. 2014-1547



(A) CENTERLINE EXISTING SDG&E EASEMENT PER DOCUMENT RECORDED 05/14/1945 IN BOOK 1862, PAGE 330 OF O.R.

(B) EXISTING SDG&E EASEMENT PER DOCUMENT RECORDED 04/2/1945 IN BOOK 1840, PAGE 419 OF O.R.

EXHIBIT: A
CASE FILE NO.: 2016-09 wup
DATE: 3/24/16.

THIS PLAT WAS PREPARED BY ME
OR UNDER MY DIRECTION.

Lawrence H. Moore
LAWRENCE H. MOORE, PLS 5486



12/09/2014
DATE
J.N. 7847

SCALE: 1"=30'

SHEET 3 OF 5



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

CONDITIONAL USE PERMIT FOR OUTDOOR VEHICLE STORAGE
AT 100 EAST 18TH STREET.
CASE FILE NO.: 2016-09 CUP
APN: 554-050-19

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, May 2, 2016**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Daniel Levine)

The applicant is requesting to use the 4,980 square-foot paved property for overflow storage of new and/or used vehicles from area vehicle dealers. No construction is proposed.

Information is available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received on or before 12:00 p.m., **May 2, 2016** by the Planning Department, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

RESOLUTION NO. 2016-10

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT FOR MOTOR VEHICLE STORAGE
AT 100 EAST 18TH STREET.
CASE FILE NO. 2016-09 CUP
APN: 560-210-45

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit for motor vehicle storage at 100 East 18th Street at a duly advertised public hearing held on May 2, 2016, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2016-09 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 2, 2016, support the following findings:

1. That the proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code, because the use is allowable within the Service Corridor zone pursuant to a Conditional Use Permit, and the proposed vehicle storage use meets the required guidelines in the Land Use Code for outdoor storage of vehicles, as discussed in the staff report.
2. That the proposed use is consistent with the General Plan and any applicable specific plans, because outdoor storage of vehicles is permitted, subject to a Conditional Use Permit, by the Land Use Code, which is consistent with the General Plan; a vehicle storage lot is consistent with the Service Commercial land use designation contained in the Land Use and Community Character (LU)

section element of the General Plan. In addition, the property is not within a Specific Plan area.

3. That the design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because no expansion is proposed, because the property is an existing paved and fenced lot that has historically been used for vehicle storage and parking; no change in traffic impacts above what currently exists and has historically occurred in this area is expected; no construction is proposed; access to and from the site is provided by East 18th Street, a collector street operating at a Level of Service (LOS) of C and below capacity.
4. That the site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the property is already fenced and paved and no construction is proposed; the proposed use of the lot is consistent with the previous use of the property.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the property is already fenced and paved and no construction is proposed; the proposed use of the lot is consistent with the previous use of the property and with other area uses that are similar in nature.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use is not a project per the Act; the property is an existing paved lot that has historically been used for automobile storage and no construction or additional development is proposed.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This *Conditional Use Permit* authorizes outdoor storage of automobiles at an existing paved lot located at 100 East 18th Street. Except as required by conditions of approval, all activities and/or plans submitted for permits associated with the project shall conform with Exhibit A, Case File No. 2016-09 CUP, dated 3/24/2016).
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Municipal Code.

3. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
4. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of Conditions of Approval.
5. Before this *Conditional Use Permit* shall become effective, the applicant and/or the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Conditional Use Permit*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Planning

6. All motor vehicles shall be parked on a paved service. No wrecked or otherwise non-operational vehicles are permitted to be stored on the property.
7. The property shall be enclosed by a view-obscuring fence or wall at least six feet high. All gates provided for ingress and egress in any required fence or wall shall be at least six feet in height and shall be of view-obscuring construction.
8. The fence shall be maintained in good repair, including view-obscuring slats in the chain link, which are required as part of this permit. Damaged slats shall be replaced when necessary.
9. No vehicle repair or maintenance activities are permitted as part of this permit.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 2, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: OVERVIEW OF PLANNING COMMISSION FUNCTIONS
RELATED TO STREET TREES

BACKGROUND

During discussion at a previous Planning Commission meeting, Commissioners asked questions regarding street tree policy, particularly with relation to a list of approved street trees and the role of the Commission. This report is provided in response to this inquiry as an overview of the functions of the Planning Commission related to street trees.

ANALYSIS

The Bylaws of the Planning Commission (see attachment no. 1) include four functions that pertain to street trees. They are as follows:

- Identify appropriate trees for planting within the City's parkways and along roadways within National City,
- Adopt and routinely maintain an "official" street tree list of appropriate trees to install within the City's parkways and along roadways within National City,
- All trees within the public right of way identified for removal and/or installation shall be referred to the Director of Public Works for determination that removal and/or installation of said tree is warranted. If the request is denied by the Director of Public Works, the property owner may appeal to the "Commission" for further review and determination (in accordance with Section 13.18.030 of the Municipal Code).
- Review all public works projects when landscaping and street trees are proposed to determine appropriate and desirable street trees and landscaping that will further enhance and beautify the city.

The duties of the Commission also include making "decisions related to installation and/or removal of street trees and landscaping within the public rights of way." This would normally be in relation to a development project, or as a result of an appeal of a Public Works denial of a particular tree planting or removal request.

The Public Works Department administers guidelines for the planting and removal of street trees in the public right-of-way (see attachment no. 2). Generally, a tree is removed based on one of the following criteria:

1. The tree is dying or dead
2. Tree roots are damaging public improvements (sidewalks, streets, curbs, gutters, or underground utilities)
3. The tree is considered to be an imminent hazard (i.e., uprooted, leaning)

For private-party requests for tree removal, a fee is charged that goes towards the replanting of the tree. The requester may choose from any tree on the list of approved street trees (see attachment no. 3), which includes eight examples of suitable specimens. The Public Works Department administers the list, which is currently up to date.

Street trees and parkway landscaping regulations are located in Chapter 13.18 of the National City Municipal Code (see attachment no. 4). This Code section contains planting, maintenance, and permitting regulations.

ATTACHMENTS

1. Planning Commission Bylaws
2. Street Tree Guidelines
3. List of Approved Street Trees
4. NCMC §13.18



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

**CITY OF NATIONAL CITY
PLANNING COMMISSION AND
HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE**

BYLAWS.

ARTICLE I – THE COMMISSION

Section 1. Name of Commission

The Commission shall act in the capacity of the "Planning Commission" and the "Housing and Community Development Committee" and shall hereinafter be referred to as the "Commission".

Section 2. Mission Statement

That the following shall be the Mission Statement of the Commission:

The Commission shall provide a forum to encourage communication from persons, organizations, and institutions in the City of National City about land use, housing, and landscaping throughout the City of National City.

When serving as the Planning Commission, the Commission shall perform the following functions in accordance with state law §65103 and the City's Municipal Code Chapter 2.28:

1. Prepare, periodically review, and revise, as necessary, the general plan.
2. Implement the general plan through actions including, but not limited to the administration of specific plans, and zoning, and subdivision ordinances.
3. Annually review the capital improvement program for consistency with the general plan, pursuant to Article 7 (commencing with Section 65400).
4. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it.
5. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
6. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
7. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

Additionally, in accordance with the City's Municipal Code Chapter 13.18, the Commission will perform the following functions:

8. Identify appropriate trees for planting within the City's parkways and along roadways within National City,
9. Adopt and routinely maintain an "official" street tree list of appropriate trees to install within the City's parkways and along roadways within National City,
10. All trees within the public right of way identified for removal and/or installation shall be referred to the Director of Public Works for determination that removal and/or installation of said tree is warranted. If the request is denied by the Director of Public Works, the property owner may appeal to the "Commission" for further review and determination (in accordance with Section 13.18.030 of the Municipal Code).
11. Review all public works projects when landscaping and street trees are proposed to determine appropriate and desirable street trees and landscaping that will further enhance and beautify the city.

When serving as the Housing and Community Development Committee, the Commission shall:

12. Give advice and make recommendations to the Community Development Commission of the City of National City on projects, programs, and policies including the following:
 - a. The Housing and Urban Development Section 8 Housing Assistant Payments Program for existing housing and for new construction.
 - b. Housing improvement, housing assistance and neighborhood improvement projects, programs and policies in connection with federal and state laws relating to housing and neighborhood improvement.

Section 3 Duties

The duties of the Commission shall be:

1. To receive and review proposals for the General Plan, including the preparation of zoning, land subdivision and other discretionary development applications and performs all duties specifically assigned by the Municipal Code.
2. To make recommendations to the City Council for specific land use entitlements requiring final decision by the City Council.
3. To make recommendations to the Community Development Commission on matters pertaining to Section 8 Housing Assistant Payment Programs and housing improvement, housing assistance and neighborhood improvement projects, programs, and policies in connection with federal and state laws relating to housing and neighborhood improvement.

4. To make decisions related to installation and/or removal of street trees and landscaping within the public rights of way.

Section 4. Membership

A. Composition

The Commission shall be comprised of seven (7) individuals appointed by, and to serve at the pleasure of the City Council. The Mayor with the approval of the City Council shall appoint the members. These seven (7) individuals shall be Planning Commission members and also serve on the Housing and Community Development Committee. Two (2) additional individuals shall be appointed and serve only on the Housing and Community Development Committee. These two (2) additional individuals shall be appointed in the same manner as the Planning Commission members; shall be ex officio members, and shall be tenants of the community development commission (CDC), one of whom shall be over sixty-two years of age. Said ex officio members shall sit with the seven members of the Planning Commission on such occasions as the commission is acting in the capacity and carrying out the functions of the committee.

B. Terms of Membership

The terms of the members shall be for four (4) years, subject to reappointment by the City Council. Each four-year term shall commence on the first day of April and shall expire on the thirty-first day of March four years thereafter. Upon expiration of term, a member shall serve until re-appointed or replaced.

C. Termination of Membership

Membership in the Commission shall automatically terminate in the event that:

1. The member's term has expired. If a term expires, the member can either continue until reappointment or replacement; or
2. The member shall have been absent from the number of Commission meetings specified in these bylaws.

D. Removal of Members

A member may be removed by a majority vote of the City Council.

E. Resignation

Any Commission member may resign at any time by giving written notice to the Chairperson. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

F. Filling of Vacancies

In the event a vacancy occurs on the Commission by reason of death, resignation, removal or termination, such vacancy shall be filled by the majority of the City Council, with new members

so appointed having to meet the qualifications set forth in Article I, Section 4(a). Persons appointed to fill vacancies shall fill the unexpired terms of their predecessors.

ARTICLE II – OFFICERS

Section 1. Officers

The officers of the Commission shall consist of a Chairperson and a Vice Chairperson, and shall be elected in the manner set forth in this Article II.

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Commission and shall submit such agenda recommendations and information at such meetings that are reasonable and proper for the conduct of the business affairs and policies of the Commission. The Chairperson shall sign all resolutions, approved minutes, and other legal documents of the Commission (if any).

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

Section 4. Staff

The Commission shall be served by a full-time professional staff within the Planning Division which shall include a secretary who will prepare an agenda for each regular or adjourned meeting. The agenda and supporting documentation shall be provided to the Commission at least four (4) calendar days prior to the date of the meeting at which such agenda is to be considered. The meeting shall be recorded and minutes prepared for approval by the Commission at the next regularly held meeting. The agendas and minutes shall be available to the public and retained at the City.

Section 5. Additional Duties

The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission, the bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 6. Election

The Chairperson and Vice Chairperson shall annually be elected by a majority of the members of the Commission from among the members of the Commission. The terms of the Chairperson and Vice Chairperson shall be one year.

Section 7. Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Commission shall elect a successor from among the Commission members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III – MEETINGS

Section 1. Regular Meetings

The Commission shall hold at least two regular meetings in each month and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Planning Commission.

The Housing and Community Development Committee shall hold at least one meeting each quarter of each calendar year of the and shall annually adopt a schedule for such meetings, shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record. Any regular meeting may be dispensed with by a majority vote of the Committee.

The Commission shall conduct meetings for matters pertaining to the Planning Commission on the first and third Monday of the month for which a meeting has been called by the Chairperson at 6:00 p.m. in the Council Chambers of the National City Civic Center, 1243 National City Boulevard, 2nd Floor, National City, unless otherwise designated. The agenda for each regular meeting shall be posted by City staff at City Hall and on the City's website at least 72 hours in advance consistent with the requirements of the Ralph M. Brown Act.

If there are no items scheduled for the Commission's consideration, the staff may advise the Chairperson there are no items for consideration and suggest cancellation of the meeting. Said cancellation of a meeting shall be posted by City staff at the City Hall and on the City's website. Staff shall announce that the regularly scheduled meeting of the Commission has been adjourned to the next regularly scheduled meeting.

All meetings shall be held and conducted in accordance with the provisions of the "Ralph M. Brown Act" (Section 54590 et seq., of the Government Code of the State of California. All meetings of the Commission are open to the general public.

Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson, or of the majority of the membership of the Commission, for the purpose of transacting any business designated in the call, after notification of all members of the Commission by written notice personally delivered or by mail at least 24 hours before the time specified in the notice for a special meeting. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Chairperson a written waiver of notice, and as to any member who is actually present at the time the meeting convenes.

City staff shall be responsible for the posting of the agenda of the special meeting at City Hall and on the City's website at least 24 hours prior to the time specified in the notice for the

meeting. At such special meeting, no business other than that designated on the approved agenda shall be considered.

Section 3. Adjourned Meetings

Any meeting of the Commission may be adjourned to an adjourned meeting without the need for additional notice or agenda, provided that the adjournment indicates the date, time and place of the adjourned meeting, and provided that the adjourned meeting occurs at the regularly scheduled meeting after the meeting for which notice and agenda requirements were met. Commission members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4. All Meetings to be Open and Public

All meeting of the Commission shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings except as otherwise provided by law. Nothing contained in these bylaws. shall be construed to prevent the Commission from holding closed sessions during a meeting concerning any matter permitted by law to be considered in closed session provided the Commission complies with the conditions and procedures provided by law for closed sessions.

Section 5. Quorum

The powers of the Commission shall be vested in the members thereof in office from time to time. A majority of the members of the Commission qualified and eligible to vote shall constitute a quorum for the purpose of conducting the Commission's business, exercising its powers and for all other purposes, but less than a majority of the members of the Commission may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission.

Section 6. Unexcused Absences

Membership in the Commission shall terminate if a member has three (3) consecutive unexcused absences from meetings, whether regular or special, or three (3) absences from regular meetings, whether excused or unexcused. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson or Designee of intent to be absent and the reasons therefore. At each meeting, after the roll has been called, the Chairperson shall report to the Commission the name of any member who has so notified of their intent to be absent and the reason of such absence. The Commission shall approve or disapprove such reasons for excused absences.

Section 7. Order of Business

The following shall be the order of business at regular meetings of the Commission:

- 1) Roll Call
- 2) Flag Allegiance
- 3) Approval of Minutes of previous meeting
- 4) Approval of Agenda
- 5) Public Comment
- 6) Continued Public Hearings
- 7) Public Hearing
- 8) Other Business
- 9) Staff Reports
- 10) Adjournment

Section 8. Minutes

Minutes of the Commission shall be in writing. Copies of the Minutes of each Commission meeting shall be made available to each member of the Commission. Minutes shall be made available to the public. Approved Minutes shall be filed in the official Book of Minutes of the Commission and published on the City's website.

Section 9. Rules of Order

Except as provided in these bylaws., all business and matters before the Commission shall be transacted in conformance with Robert's Rules of Order.

Section 10. Committee Reports

Oral and/or written reports of the Commission shall include a report of any findings and/or recommended action on matters for which the subcommittee was established.

ARTICLE IV – REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Commission before the City Council or any other public body shall be made by the Chairperson, the Vice Chairperson in the Chairperson's absence, or a member of the Commission specifically so designated by the Commission pursuant to the Brown Act.

ARTICLE V – SUBCOMMITTEES

Section 1. Establishment

The Commission shall have the authority to, and may, establish subcommittees as necessary to accomplish the purposes set forth in Section 3 of Article I of these Bylaws..

Section 2. Membership

Each subcommittee shall be composed of at least one (1), but not more than three (3) members of the Commission.

Section 3. Appointment of Members

Members on a subcommittee shall be appointed by the Chairperson of the Commission with the approval of the Commission.

Section 4. Officers and Meetings

Subcommittee chairpersons shall be designated by the Chairperson of the Commission from among the Commission members appointed to the subcommittee. Each subcommittee shall elect a vice chairperson, and shall establish the date, time and place for meetings to conduct the subcommittee's business. In the event that any subcommittee meets on more than two (2) occasions, then all further meetings of the subcommittee shall comply with the meeting requirements set forth in Article III.

Section 5. Subcommittee Reports

From time to time, the subcommittee shall submit reports to the Commission, which reports summarize the subcommittee's activities, findings and/or recommendations on matters for which the subcommittee was established.

ARTICLE VI – AMENDMENTS

Section 1. Adoption of these Bylaws. and any Subsequent Amendment

The bylaws. of the Commission may be amended upon the affirmative vote of at least five (5) voting members of the Commission, but no such amendment shall be adopted unless at least seven (7) days' written notice thereof has previously been given to all members of the Commission. Notice of amendment shall identify the section or sections of the Bylaws. proposed to be amended.

ARTICLE VII- ORDER OF PRECEDENCE

Section1. Conduct of Affairs

The Commission will observe all applicable requirements of state and local law, including the following, which have been summarized as follows:

1. The Ralph M. Brown Act (Gov. Code, § 549501 et seq., hereinafter "the Brown Act" or "the Act")
2. From time to time, the Commission shall be required to attend or participate in specific training related to their position on the Commission.

National City Street Tree Guidelines

Street Tree Maintenance:

Note: Public Works Parks Division maintains trees in the City's rights-of-way.

- Anyone can request trimming of City trees that are interfering in the City's rights-of-way. This includes the skirt line (trimming lower limbs from the bottom up) to clear limbs for pedestrians and/or traffic, clearing from traffic signs/signals, remove broken and hanging limbs or any other conditions which deem hazardous.
- Only the resident or the owner can request the tree in their parkway to be trimmed.
- Leaves, flowers, berries, and other small debris which fall from the City trees is the responsibility of the property owner to sweep up. Public Works Parks Division does not provide this service.
- Residents or businesses requesting a street tree removed must write a letter to the Street Tree Committee explaining the reason why they want the tree removed. Reasons that will be considered for removal are as follows:
 1. Tree is dying or dead.
 2. Tree roots are damaging public improvements (sidewalks, streets, curbs, gutters **or underground utilities**).
 3. Tree is considered to be an imminent hazard (i.e., uprooted, leaning).

The following are the City of National City Street Tree guidelines for street tree plantings and removals:

- The Street Tree Committee at their monthly meeting will review all requests, which are held on the third Thursday of every month.
- The Committee can request the City to root prune the tree in efforts to preserve as many City trees as possible.
- A letter will be sent to the resident advising them of the outcome.
- A Street Tree replacement fee of \$65.00 - \$265.00 will then be applied for the removal and replacement of the tree, which is payable at the Finance Department, 1243 National City Blvd., National City.
- The resident will then have a choice from the Street Tree Approved list from where they can make a selection.

**LIST OF APPROVED TREES FOR
THE CITY OF NATIONAL CITY**

Bauhinia Blakeana (Hong Kong Orchid Tree)
Height: 20-30 feet

Lagerstroemia Indica (Crepe Myrtle)
Height: 30 feet

Magnolia Grandiflora (Southern Magnolia)
Height: 80 feet

Metrosideros Excelsus (New Zealand Christmas Tree)
Height: 30 feet

Podocarpus Gracilior (Fern Pine)
Height: 70 feet

Prunus Cerasifera Atropurpurea (Purple Leaf Plum)
Height: 30 feet

Pyrus Kawakamii (Evergreen Pear)
Height: 40 feet

Syagrus Romanzoffiano (Queen Palm)
Height: 40 feet

The above is a list of approved trees planted in National City under the Street Tree Program.

If you have any questions, please call Miguel A. Diaz, Parks Superintendent,
(619) 336-4288

Chapter 13.18 STREET TREES AND PARKWAY LANDSCAPING

Sections:

13.18.010 Generally.

13.18.020 Definitions.

13.18.030 Permits required.

13.18.040 Landscaping required.

13.18.050 Maintenance required.

13.18.060 Prohibitions.

13.18.070 Duties of director.

13.18.080 Nonconforming uses.

13.18.010 Generally.

No landscaping, maintenance of landscaping or construction may be done by any person within any parkway of the city or cause or permit the same to be done except in accordance with the provisions of this chapter.

(Ord. 1426 § 2 (part), 1974)

13.18.020 Definitions.

A. "Parkway" means that part of the public street right-of-way between the curb, or edge of paved roadway where there is no curb, and the property line separating the street right-of-way from abutting private property. Parkway are generally used for public sidewalks, public utility poles, fire hydrants, street signs and other public facilities. The remaining parkway area is generally "landscaped."

B. "Landscaping" means the use of architectural and horticultural materials to provide control of erosion, dust, weeds and accumulation of litter in a manner complementary to the purpose of adding natural environmental quality to a premises. Landscaping also includes trees, shrubs, ground covers and other planting materials providing shade, visual screening, aesthetic enhancement, soil conservation, and reduction of fire hazards, reduction of harborages of rodents, reduction of vermin and reduction of disease-bearing creatures.

C. Maintenance of Landscaping. "Landscaping maintenance" includes sufficient irrigation, fertilization, pruning, trimming and training to keep plants in a healthy, vigorous condition. Removal of dead materials, weeds and accumulated litter, rubble or other foreign substances is required. Maintenance also includes re-seeding, replacement of dead plants and planting where necessary to restore a landscaped area to the level of "coverage" required of a new installation.

Trees located within public street parkways will be pruned and trimmed by city forces and not by private property owners. Public utility companies may prune and trim such trees, if the existence of the tree creates a significant possibility that the continuation of safe, efficient and reliable service to the customers being served may be impaired. Pruning and trimming work shall be done in a professional manner and shall result in an aesthetically desirable contour.

D. "Director" means the National City director of parks and recreation.

E. "Citizens' committee" means the National City street tree and parkway committee.

F. "Official tree" means those trees designated and determined by the director and approved by the citizens' committee to be best suited to plant within or adjacent to the street rights-of-way because of their desirable characteristics of growth and beauty, with reference to their crown, root structure and adaptability to local climatic, soil and street conditions. The director shall maintain a list of official trees on file at his office available to the public during working hours.

G. "Designate tree" means those official trees that have been placed or designated to be placed as elements in the planting design within or adjacent to particular street rights-

of-way by the director and approved by the citizens' committee. The director shall maintain a record of the location, species and age of designated trees at his office available to the public during working hours.

H. "Interim tree" means those trees and shrubs planted along city streets prior to the enactment of the ordinance codified herein which do not qualify as official trees or designate trees because of certain undesirable characteristics of growth with reference to their crown or root structure, or are not adaptable to specific climatic, soil or street conditions unique to their existing location.

I. "Ground cover" means grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, that do not normally exceed eight inches in height, and that will tolerate light pedestrian traffic.

(Ord. 1426 § 2 (part) 1974)

13.18.030 Permits required.

All landscaping work within parkways shall be done pursuant to permission obtained from the director.

A. Street Trees. Any person desiring permission to plant, cut down, trim, prune, remove or in any way interfere with the natural growth of any tree planted within any parkway, city street rights-of-way, or on other city property, shall make application to the director for a permit therefor. The director shall provide advice and consultation to aid in the elimination of any hazard, undesirable landscape effect, or disease infestation where such action is beneficial to the overall street or block in which the tree is located. If the desired action by the applicant is refused, the applicant may request a hearing before the citizens' committee for further review.

The director is authorized to require all, or any part of, approved work to be performed by or under the supervision of city employees.

Public utility companies may trim any tree growing in, on or along any city street, without a permit, if the existence of the tree creates a significant possibility that the continuation of safe, efficient and reliable service to the customers being served may be impaired. Public utilities may not remove a street tree without obtaining a permit to do so.

Pruning and trimming work shall be done in a professional manner and shall result in an aesthetically desirable contour. If the director finds the quality of the pruning and trimming work not to be satisfactory, he may revoke the permission of the utility company granted above.

B. Shrubs and Ground Cover. Maintenance of shrubs and ground cover shall not require a permit.

(Ord. 1426 § 2 (part), 1974)

13.18.040 Landscaping required.

Whenever sidewalks are required in conjunction with the issuance of any building permit, parkway landscaping shall also be installed, and such landscaping shall become a part of the building permit except that this requirement shall not apply to properties used for single family and two family residences.

(Ord. 1426 § 2 (part), 1974)

13.18.050 Maintenance required.

A. Street Trees. No person shall perform, or cause to be performed any maintenance except for watering and fertilizing, upon any tree planted along a city street, or on any other city property, except under emergency conditions, and upon the written approval of

the director; a person or firm determined to be qualified by the director may perform such maintenance on such trees as may be designated by the director. The city will, except for watering and fertilizing, maintain all official and designate trees planted within street rights-of-way. Maintenance of interim trees planted within city street rights-of-way shall be similar to that given designate trees, except designate trees shall have priority over interim trees in the city's maintenance program.

B. Shrubs and Ground Cover. It shall be the responsibility of the adjoining property owner to adequately maintain the parkway area. All landscaped parkways shall be continuously maintained.

C. Guards During Construction. In the erection, alteration, construction or repairing of any building or structure, the owner thereof shall place, or cause to be placed, such guards around all nearby trees located along the street, alley, court or other public place as shall effectively prevent injury to them.

(Ord. 1426 § 2 (part), 1974)

13.18.060 Prohibitions.

A. Street Trees. No person shall place, or cause to be placed, any stone, cement or other substance about any tree planted along any street, or on other city-owned property, which shall impede the free entrance of water or air to the roots of such tree, without leaving an open space of ground around the trunk of such tree of not less than eighteen inches clearance all around. No person shall deface, mutilate or attach or place any rope, wire, sign, poster, handbill or other thing to or on any tree growing along any city street or public place, or to cause any wire charged with electricity to come in contact with such tree. Provided, further, no person shall allow any brine, oil, liquid, dye, salt or other substances injurious or harmful to plant life to lie, leak, flow, drip into or onto, or to come into contact with, the tree or the soil about the base of such plant.

B. Shrubs and Ground Cover. No person shall plant, or cause to be planted, any tree, shrub, or plant or ground cover in the area between the sidewalk and curb, except as provided in this subsection. Grass, turf or other ground cover plantings shall be permitted, provided that such plantings shall not be allowed to attach themselves to or ascend the trunk of any tree. Planting, cutting, mowing, watering, fertilizing and all other maintenance of grass, turf or other ground cover in such parking strips will be performed by the adjacent property owner, subject to the restrictions in this subsection.

(Ord. 1426 § 2 (part), 1974)

13.18.070 Duties of director.

A. Planting and Removal. The director may plant or remove or regulate and control the planting or removal of any and all trees planted within the street rights-of-way of any city street. The director shall coordinate with adjacent owners and the citizens' committee to establish planting plans for the placement of official trees within any block or along any street of the city. Following review of this plan by the citizens' committee and approval by the director, the director may identify specific trees as designated trees for inclusion in the city street tree and beautification program.

B. Enforcement. The director shall make inspections of all parkway landscaping. Where he finds that landscaping is not properly installed or maintained he shall give written notice to the property owner responsible for such work. The notice shall include a description of the required improvements and shall set a reasonable time for compliance. Appeals may be taken from such written notice by filing a written appeal with the city street tree committee. After considering the evidence the committee shall decide the property owner's appeal and issue its order on the appeal. If any work

required by an "order to comply" is not satisfactorily completed within the time specified therein, the city park department crews, or a private contractor employed by the city may do the necessary work and charge the cost of such work to the property owner. Such a charge shall become a lien against that property.
(Ord. 1426 § 2 (part), 1974)

13.18.080 Nonconforming uses.

Parkways that are not landscaped shall be leveled to the grade of adjoining sidewalks, or adjoining curbs where there are no sidewalks, and shall thereafter be maintained free of weeds and accumulation of litter. Such work shall be the responsibility of the adjoining property owner. Such leveling shall be done within a one year period following the adoption of the ordinance codified herein. Maintenance shall be continuous thereafter, except that this requirement shall not apply to properties used for single family and two family residences.
(Ord. 1426 § 2 (part), 1974)